



# **FIREARMS LEGISLATION**

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## **HEARINGS**

BEFORE THE

**SUBCOMMITTEE ON CRIME**

OF THE

**COMMITTEE ON THE JUDICIARY**

**HOUSE OF REPRESENTATIVES**

**NINETY-FOURTH CONGRESS**

**FIRST SESSION**

**ON**

**FIREARMS LEGISLATION**

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These hearings are in 8 parts. Part 1 (Washington) February 18, 20, 27, March 5, 6, 13, 20, 26, and April 9; Part 2 (Chicago) April 14 and 15; Part 3 (Detroit) June 9 and 10; Part 4 (Cleveland) June 16; Part 5 (Denver) June 23; Part 6 (Atlanta) July 21; Part 7 (New York) July 25; Part 8 (Washington) May 14, July 17, 23, 24, September 24, and October 1 and 9, 1975

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**Serial No. 11**

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**Part 2**

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**Chicago**



Printed for the use of the Committee on the Judiciary



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U.S. GOVERNMENT PRINTING OFFICE

52-557

WASHINGTON : 1975

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Stock Number 052-070-03071-2

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## FIREARMS LEGISLATION

CHICAGO, ILL.—MONDAY, APRIL 14, 1975

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON CRIME  
OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met, pursuant to notice and prior resolution, at 10 a.m., in studio A, WTTW-TV, 5400 North Saint Louis Avenue, Chicago, Ill., Hon. John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers, McClory, and Ashbrook.

Also present: Maurice A. Barboza, counsel; Timothy J. Hart, assistant counsel; and Constantine J. Gekas, associate counsel.

Mr. CONYERS. The Subcommittee on Crime of the House Committee on the Judiciary will come to order.

I am very pleased to be here in Chicago, Ill., at the first hearing that this subcommittee has taken away from Washington, D.C., to discuss and take testimony on Federal firearms legislation and related matters.

I am pleased to welcome our distinguished subcommittee members, witnesses, and guests who are viewing and participating in these proceedings.

During the past 2 months, the Subcommittee on Crime has held nine hearings in Washington on more than 45 bills which would amend the Gun Control Act of 1968. These proposals range from repeal of the 1968 act to the total ban on the manufacture, sale, and possession of handguns.

Of course, there are a number of other bills in the middle of the spectrum such as those requiring licensing and registration of handguns and the banning of Saturday night specials.

Although the subcommittee has heard from numerous witnesses and has compiled a voluminous record on the subject, it has not yet determined which of these proposals it will recommend to the House Judiciary Committee for passage. This recommendation, in large measure, will be determined by these hearings and by our future hearings in other cities.

The city of Chicago was selected as a hearing site for a number of reasons, which bear directly on this subcommittee's inquiry. Geographically, it is located in almost the center of the country, and it has experienced, during the past 9 years, a dramatic increase in murders committed by firearms. In 1974, there were 970 murders; an increase of 573 deaths by these means over the 1965 figure.

Also, from the standpoint of fashioning a legislative remedy, both the city of Chicago and the State of Illinois have attempted to address this problem by instituting controls on the sale of firearms in an attempt to keep them out of the hands of irresponsible people.

The State requires that all firearms owners acquire a license and the city requires that all firearms be registered as a means of assisting law enforcement in tracing firearms used in crime.

In studying these considerations, the subcommittee intends to determine the relationship between the proliferation of handguns and increasing crime; how effectively Congress 1968 mandate to assist State and local law enforcement in their efforts to combat crime has been carried out; and the effect of growing homicide rates on the quality of American life and the degree of public sentiment for more stringent Federal gun control laws.

I am confident that with the benefit of the views of all the participants in this inquiry, the subcommittee will reach the correct decision on this issue.

I am delighted that my good friend, Mr. Robert McClory, a member of Congress from the 13th District of Illinois and the ranking minority member of this subcommittee, is here with me today and I would like to recognize him for any introductory remarks that he would care to make.

Mr. McCLORY. Well, thank you very much, Mr. Chairman.

First of all, I want to, on behalf of my other Illinois colleagues, welcome you to Chicago and to the hearings which we are going to have here today and tomorrow.

I think it is very appropriate that we have these hearings in this room and with the opportunity for those who are interested in this subject, to have the chance to see the committee in action on live television as well as, I understand, a roundup at the end of the day to see and hear the witnesses who will have the opportunity to testify here.

This does come following a number of hearings that we have had in Washington and going out here into mid-America we are going to get some expressions that will perhaps either support or vary or at least supplement the testimony that we have already received and we are looking forward to it.

I might say, on your behalf, that there isn't any suggestion that this subject of gun control legislation is going to provide simplistic or complete answers to the problem of crime in America; not by a long shot, but the subject is one element, one aspect of the overall concern that the Nation has, that the Congress has, with respect to the rising crime rate in America.

And so we are going to review this subject. We will try to do it as objectively, as impassionately as possible, and try to determine what if anything the Congress should do to expand the Federal authority, to revise Federal statutes and to determine in what way we can, through this aspect, this single aspect of the overall subject of the problem of crime in America, do something to contribute to an improvement of conditions.

We don't have fixed opinions at this time, and we have received a great deal of mail and we have met with a number of different people. This will be primarily, as I understand it, Mr. Chairman, an opportunity for us to get information.

There will be a lot of information from those in the law enforcement field because they have the experience and they can give us a lot of details and a lot of details I might say that are important to us.

I certainly want to welcome my colleague, Congressman John Ashbrook who has joined us here from the State of Ohio, and to you, Mr. Chairman, I want to say that I am very proud of the leadership which you are taking in this area and I am confident that working together with you we can be rational, we can be reasonable, and we can be constructive in trying to do something with regard to the subject of gun control legislation at the Federal level, to provide the kind of Federal leadership which I think is important in this area.

So I am looking forward to the hearings, to our brief participation and to the active participation of the witnesses who will appear before us.

Thank you very much.

Mr. CONYERS. Well, thank you very much, Mr. McClory.

Congressman Ashbrook of Ohio, a member of the subcommittee, is also with us. We are delighted that he could join us, and if you have any opening observations, Mr. Ashbrook, we recognize you at this time.

Mr. ASHBROOK. Well, thank you, Mr. Chairman.

In the interest of hearing all the witnesses I know will be coming before us, and I know I will be accorded time to ask them questions. I will only associate myself with the remarks that you and Mr. McClory have made and ask that we proceed.

Mr. CONYERS. Thank you very much.

We want to begin with the calling of some of our colleagues from the Illinois delegation, to testify.

I understand that the Mayor of Chicago is on his way and when he gets here, we will, of course, have him come on.

We have as our first witness a member of the Judiciary Committee, Hon. Martin A. Russo from the Third Congressional District of Illinois, who is on not only on the Judiciary Committee but the Small Business Committee as well. Congressman Russo, if you would come forward, I know we would like to hear your testimony. If you have a prepared statement, without objection I will insert it into the record at this point and allow you to make your remarks in any way that you choose. Welcome.

[The prepared statement of Hon. Martin A. Russo follows:]

STATEMENT OF HON. MARTIN A. RUSSO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. Chairman, I would like to thank you and the members of the Subcommittee for the opportunity of appearing today. I feel the subject of gun control is of vital importance to the safety and well-being of all Americans, whether young or old, black or white, rich or poor.

Illegal and improper use of handguns has assumed the level of a tremendous national problem. Borrowing a phrase from the medical profession, gun-related accidents, crimes, and deaths have reached epidemic proportions. I do not intend to read to the Subcommittee facts and statistics with which they are already quite familiar. What I do intend to do today is outline what I believe to be a viable solution, at least in part, to this epidemic. The overwhelming majority of Americans believe Congress should pass some form of gun control legislation, and I suggest that the program which I advocate should be the initial step.

This initial step is included in a measure that I am co-sponsoring with fellow members of the Illinois delegation, the Honorable Dan Rostenkowski and Abner

Mlkva. Submitted under various bill numbers, my name appears on the H.R. 3675 version. The salient features of the proposal call for the banning of the importation, transportation, sale, and manufacturing of all handguns, unless specifically excepted from the bill's provisions. Those exceptions include the Armed Forces, law enforcement officials, and licensed pistol clubs. Additionally, the bill encourages voluntary internment of existing handguns for a cash reimbursement at the fair market value of the weapon.

Why the broad category of all handguns, and not merely the infamous "Saturday Night Special"? For two reasons: criminals could still purchase the more expensive handguns, which are comparatively inexpensive, and because the "Saturday Night Special's" use is not limited to crime-related activities. Thus to ban its movement in interstate commerce would neglect another area where handguns have proven extremely dangerous, in the home. Children who play with real guns are involved in numerous accidents, many fatal, every day. And who has not read of the lover's quarrel which has resulted in the tragic death of one of the partners, and a long jail sentence for the other?

In my experience as an Illinois State's Attorney in the Juvenile Division, I came across many incidences of older children shooting younger brothers or sisters. These tragic accidents must cease.

Crimes of passion also came to my attention in my former position. In the heat of the moment, one lover quickly terminated a beautiful romance. Without a handgun, the task would have proven much more difficult. Handguns alone account for three times as many deaths as the next highest category, stabbings. Firearms of all kinds account for two-thirds of all homicides in this country.

"Murder is a family affair", and one has only to read the newspaper to discover the truth of this statement.

Many opponents of gun control laws favor longer imprisonment for those who use handguns while committing a crime. I agree with that rationale and have introduced H.R. 5538 which prescribes minimum mandatory sentences for gun-related crimes. Upon conviction, the criminal receives a minimum 10 year sentence, while subsequent offenses are punishable by a minimum 25 year term. Neither a suspended sentence nor probation are available, and the term must run consecutively with the sentence imposed for the substantive offense. After expeditious proceedings in the gun control area, I hope the Subcommittee will commence hearings on the minimum sentence legislation. However, Congress should eliminate the tool, not isolate the person who misuses the tool. Successful prosecution of the criminal will never replace the life of the victim.

The question arises whether eliminating handguns from interstate commerce will resolve the massive problem that confronts the nation. By itself, I do not believe it will. However, the measure represents a movement in the right direction, and with further steps, which I will discuss later, the solution could appear. The elimination of new handguns will alleviate a major part of the problem. Police evidence shows that most handguns which have been used in a crime have been purchased by the criminal within two months of the crime. Some were even purchased just minutes before the crime. By eliminating the criminals' easy access to weapons, the crime rate could well drop significantly.

Detractors of this proposal stress the point that existing handguns remain unaffected by this legislation. This is absolutely true. But, because I realize the ramifications of a confiscation program, I am strongly opposed to one. I feel the current handgun owners constitutional right against governmental taking without just compensation would be violated. Equally frightening is the spectre of gun-owners resisting police officers attempting to confiscate their weapons. Visions of a police state, complete with nighttime visits, accompany a confiscation program.

However, a mechanism in the bill provides for a voluntary internment program with reimbursement to the owner at the fair market value of the weapon, as previously stated. But in order for this program to work, the people must be convinced that owning a handgun is more dangerous than not owning one.

Opponents of gun control legislation argue that by removing handguns from interstate commerce two results will inevitably follow: 1—good people will become defenseless in their homes against criminals; and 2—burglaries of gun-owner's homes will rise dramatically. As a counterproposal, the antagonists advocate educating the public in the correct use of handguns. They maintain this approach will eliminate most, if not all, of the accidents which occur in the home. They feel such an approach would guarantee the average citizen the protection which he feels is necessary.

Upon closer analysis, this educational approach leaves a great deal to be desired. Many people who own handguns to protect their homes from burglars

either mistakenly shoot their loved ones, or the frightened burglar shoots the homeowner. Time and time again I have witnessed this same pattern emerging from police investigations of death associated with attempted burglaries. Also, small children, who also die from gunshots would fail to comprehend the full meaning of the educational approach, yet they might have access to handguns. A different educational process, one to convince people that owning a gun is more dangerous to them than not owning a gun should be started as quickly as possible.

Many people, especially the foes of gun controls, question the constitutionality of legislation in this area. Constitutional scholars might view this as the classic confrontation of an enumerated power, the commerce clause, colliding with a specific prohibition, the Second Amendment. Upon further inquiry the confrontation vanishes. Congress possesses the power to regulate the interstate and foreign shipment of handguns by virtue of the commerce clause of the Constitution. And because wholly intrastate manufacture and shipment of handguns would "affect" interstate commerce, the Supreme Court, in cases involving similar factual situations, has held Congressional action constitutional.

The Second Amendment is inapplicable in arguing that Congress is prohibited from legislating in the field of handguns. The Supreme Court has held that if a law does not prohibit the maintenance of a well-regulated militia, it is constitutional. Our National Guard represents the framers' conception of the militia. My bill, H.R. 3675, specifically exempts the Armed Forces and law enforcement officials from its operation.

Now focusing on another aspect of the general problem, many people ask if Congress, or the states, have less drastic alternatives at their disposal than complete elimination of handguns from commerce. I do not believe there exists a less drastic alternative. We must freeze the existing number of handguns at their present level. The logistics are simply overwhelming at this point, and any attempt to institute a program of licensing or registration while new handguns are manufactured by the hundreds of thousands would prove futile.

Some people who favor gun control feel the states, not the Congress, should legislate in this area. But the magnitude of the problem, and the necessity for uniformity throughout the nation, exceed the scope of state power to legislate. Federal legislation banning handguns from interstate commerce becomes the only answer.

This is not to say though that the states are completely powerless to act in this area. An analogy to the automobile industry seems appropriate. The Federal government requires all auto manufacturers to fulfill certain qualifications before the car may enter into the marketplace. This insures that all Americans receive certain minimum standards of protection and simplifies the number of regulations which the manufacturers must meet. Unless the individual states passed identical standards the auto manufacturers would be required to meet 50 different sets of specifications. Also, the states would have tremendous difficulty enforcing their specifications if people elected to cross state lines and purchase the same model of automobile but containing another state's specifications. But, even though states are inadequate to pass legislation prescribing minimum requirements, each state still decides the licensing and registration provisions for its drivers and their automobiles.

The same rationale applies to gun control. Although the federal government would ban commerce in all future handguns, the states would remain free to set up their own standards for those handguns already in existence. A sprawling federal bureaucracy, with its attendant inefficiency and expense, could not match an efficient state agency administration of a licensing and registration program. Thus, the federal system would work as it was intended 20 years ago.

Illinois presents a fine example of a state where licensing provisions are in effect. In order to purchase any firearms in Illinois, a prospective buyer must have a license to purchase, carry, and possess a gun weapon. This insures that the purchaser is not either a convicted criminal, under age, or mentally defective. Other states might adapt similar standards, or completely different standards, depending on their individual preferences.

In states where gun control laws of various types exist, and are enforced, the crime rate and number of fatalities attributable to handguns has become significantly lower than in areas lacking such laws. Chicago and New York, cities where crime supposedly runs rampant, rank below St. Louis and Houston

in the percentage of crimes committed with a gun. Studies attribute this to the fact that Chicago and New York operate under strict gun control.

I would like to add one final comment before I close. Handgun proponents frequently state that "guns do not kill people—people kill people". I think the phrase should properly read, "guns do not kill people—people kill people with guns." I believe this adequately sums up my feelings on this vital issue.

I would again like to thank the Subcommittee for allowing me this opportunity to testify. I know that you will give just consideration to not only my proposal, but to all of the proposals of our fellow colleagues. Thank you.

## TESTIMONY OF HON. MARTIN A. RUSSO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. Russo. Thank you very much, Mr. Chairman.

Mr. Chairman, I would like to thank you and the members of the subcommittee for the opportunity of appearing today. I feel the subject of gun control is of vital importance to the safety and well-being of all Americans, whether young or old, black or white, rich or poor.

Illegal and improper use of handguns has assumed the level of a tremendous national problem. Borrowing a phrase from the medical profession, gun-related accidents, crimes, and deaths "Have reached epidemic proportions." I do not intend to read to the subcommittee facts and statistics with which they are already quite familiar. What I intend to do today is outline what I believe to be a viable solution, at least in part, to this epidemic. The overwhelming majority of Americans believe Congress should pass some form of gun control legislation, and I suggest that the program which I advocate should be the initial step.

This initial step is included in a measure that has been introduced by two Members of the Illinois delegation. Congressman Dan Rostenkowski and Abner Mikva, which measure I have cosponsored. Submitted under various bill numbers, my name appears on the H.R. 3675 version. The salient features of the proposal call for the banning of the importation, transportation, sale, and manufacturing of all handguns, unless specifically excepted from the bill's provisions. Those exceptions include the Armed Forces, law enforcement officials, and licensed pistol clubs.

Additionally, the bill encourages voluntary interment of existing handguns for a cash reimbursement at the fair market value of the weapon.

Why the broad category of all handguns, and not merely the infamous Saturday night specials? For two reasons: Criminals could still purchase the most expensive handguns, which are comparatively inexpensive, and because the Saturday night specials use is not limited to crime-related activities. Thus to ban its movement in interstate commerce would neglect another area where handguns have proven extremely dangerous, in the home. Children who play with real guns are involved in numerous accidents, many fatal, every day. And who has not read of the lover's quarrel, which has resulted in the tragic death of one of the partners, and a long jail sentence for the other?

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"Murder is a family affair," and one has only to read the newspaper to discover the truth of this statement.

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Upon conviction, the criminal receives a minimum 10-year sentence, while subsequent offenses are punishable by a minimum 25-year term. Neither a suspended sentence nor probation are available, and the term must run consecutively with the sentence imposed for the substantive offense.

After expeditious proceedings in the gun control area, I hope the subcommittee will commence hearings on the minimum sentence legislation. Congress should both eliminate the tool and severely punish the person who misuses the tool.

The question arises whether eliminating handguns from interstate commerce will resolve the massive problem that confronts the Nation. By itself, I do not believe it will. However, the measure represents a movement in the right direction, and with further steps, which I will discuss later, the solution could appear.

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This is absolutely true. But, because I realize the ramifications of a confiscation program, I am strongly opposed to one. I feel the current handgun owners' constitutional right against governmental taking without just compensation would be violated. Equally frightening is the spectre of gunowners resisting police officers, attempting to confiscate their weapons. Visions of a police state, complete with nighttime visits, accompany a confiscation program.

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Upon closer analysis, this educational approach leaves a great deal to be desired. Many people who own handguns to protect their homes from burglars either mistakenly shoot their loved ones, or the frightened burglar shoots the homeowner. Time and time again I have witnessed this same pattern emerging from police investigations of death associated with attempted burglaries.

Also, small children who die from gunshots would fail to comprehend the full meaning of the educational approach, yet they might have access to handguns. A different educational process, one to convince people that owning a gun is more dangerous to them than not owning a gun should be started as quickly as possible.

Many people, especially the foes of gun control, question the constitutionality of legislation in this area. Constitutional scholars might view this as the classic confrontation of an enumerated power, the commerce clause, colliding with a specific prohibition, the second amendment.

Upon further inquiry, the confrontation vanishes. Congress possesses the power to regulate the interstate and foreign shipment of handguns by virtue of the commerce clause of the Constitution. And because wholly intrastate manufacture and shipment of handguns would affect interstate commerce, the Supreme Court, in cases involving similar factual situations, has held congressional action constitutional.

The second amendment is inapplicable in arguing that Congress is prohibited from legislating in the field of handguns. The Supreme Court has held that if a law does not prohibit the maintenance of a well-regulated militia, it is constitutional. Our National Guard represents the Framers' conception of the militia. My bill, H.R. 3675, specifically exempts the Armed Forces and law enforcement officials from its operation.

Now focusing on another aspect of the general problem, many people ask if Congress, or the States, have less drastic alternatives at their disposal than complete elimination of handguns from commerce. I do not believe there exists a less drastic alternative. We must freeze the existing number of handguns at their present level. The logistics are simply overwhelming at this point, and any attempt to institute a program of licensing or registration while new handguns are manufactured by the hundreds of thousands would prove futile.

Some people who favor gun control feel the States, not the Congress, should legislate in this area. But the magnitude of the problem, and the necessity for uniformity throughout the Nation, exceed the scope of State power to legislate and thus Federal legislation banning handguns from interstate commerce becomes the only answer.

This is not to say that the States are completely powerless to act in this area. An analogy to the automobile industry seems appropriate. The Federal Government requires all auto manufacturers to fulfill certain qualifications before the car may enter into the marketplace.



This insures that all Americans receive certain minimum standards of protection and simplifies the number of regulations which the manufacturers must meet.

Unless the individual States passed identical standards, the auto manufacturers would be required to meet 50 different sets of specifications. Also, the States would have tremendous difficulty enforcing their specifications, if people elected to cross State lines and purchase the same model of automobile, but containing another State's specifications. Because of this, States are not the proper bodies to pass legislation prescribing minimum requirements but each State still decides the licensing and registration provisions for its drivers and their automobiles.

The same rationale applies to gun control. Although the Federal Government would ban commerce in all future handguns, the States would remain free to set up their own standards for those handguns already in existence. A sprawling Federal bureaucracy, with its attendant inefficiency and expense, could not match an efficient State agency administration of a licensing and registration program. Thus, the federal system would work as it was intended 200 years ago.

Illinois presents a fine example of a State where licensing provisions are in effect. In order to purchase any firearms in Illinois, a prospective buyer must have a license to purchase, carry, and possess a gun weapon. This insures that the purchaser is not either a convicted criminal, under age, or mentally defective. Other States might adopt similar standards, or completely different standards, depending on their individual preferences.

In States where gun control laws of various types exist, and are enforced, the crime rate and number of fatalities attributable to handguns has become significantly lower than in areas lacking such laws. Chicago and New York, cities where crime supposedly runs rampant, rank below St. Louis and Houston in the percentage of crimes committed with a gun. Studies attribute this to the fact that Chicago and New York operate under strict gun control.

I would like to add one final comment before I close. Handgun proponents frequently state that "Guns do not kill people—people kill people." I think the phrase should properly read, "Guns do not kill people—people kill people with guns." I believe this adequately sums up my feelings on this vital issue.

I would again like to thank the Subcommittee for allowing me this opportunity to testify. I know that you will give just consideration to not only my proposal, but to all of the proposals of our fellow colleagues.

Thank you.

Mr. CONYERS. Well, Mr. Russo, you have articulated your position quite clearly in H.R. 3675.

You would eliminate handguns from interstate commerce. Now, is that to say that you would, in effect, prohibit the manufacture of handguns?

Mr. RUSSO. That is correct, Mr. Chairman.

Mr. CONYERS. They would be classified as "a dangerous substance," or "a dangerous machine"?

Mr. RUSSO. That is correct.

Mr. CONYERS. And under the so-called police powers of the Federal Government, we would preclude them from manufacture?

Mr. RUSSO. That is correct, Mr. Chairman.

Mr. CONYERS. In separate legislation you have a mandatory minimum sentence for those who use guns in the commission of crimes. Is it fair to say that you do not see licensing and registration as being particularly effective unless there is an elimination of handguns in interstate commerce?

Mr. RUSSO. Yes, Mr. Chairman. I feel that what we should be doing now is eliminating all future handguns and leaving it up to the States to regulate the handguns that are in existence at this time.

As I stated, I think it is important for people to realize that it is more dangerous to have a handgun than just owning one.

I think that the voluntary program to turn in the weapons and receive \$25 or the fair market value is something that the citizenry should go along with.

Mr. CONYERS. You have made a very, very important point about where the danger lies, in the mere possession of handguns, and I think that that is going to be developed more later.

I would like to yield to the gentleman from Illinois, Mr. McClory, for any questions that he might have.

Mr. McCLOREY. Well, thank you, Mr. Chairman.

We do have a great many witnesses and I understand the mayor has arrived and we want to hear from him. So I will forego asking any questions but I would just like to say this: That I think the efforts to abolish the manufacture and the sale of all handguns, except to the military, and to police and law enforcement officials, contributes as much as anything to prevent us from getting meaningful gun control legislation as do those who oppose any and all gun control legislation. I can't help but make that observation.

I think there is an opportunity for some better controls. I think that this hearing will probably bring them out, but I think that those that go to the extent and to the length that you do, my distinguished colleague, I think you try to go too far and you prevent us from getting meaningful legislation, that I think we probably require.

However, that is my opinion at this point and I will listen to other testimony with interest.

Mr. CONYERS. Mr. Ashbrook, do you have any comments?

Mr. ASHBROOK. Mr. Chairman, in the interest of hearing his honor, I would yield my time.

I would merely say that I appreciate the testimony.

I probably am one who would be opposed to the bill and to the extension of gun control but I think, at this point, I would like to hear the mayor. Thank you.

Mr. CONYERS. May I say to you, Mr. Russo, that we will be able to go into further amplification of your legislation, since there are a number of other Members who you have indicated are cosponsoring legislation with the same thrust. Let me thank you very much for joining us here and being our leadoff witness in Chicago.

Mr. McCLOREY. Mr. Chairman, could I just add this:

I do support your bill for mandatory penalties for those who commit crimes with guns. I think that is a good thing, and that should get our support.

Mr. RUSSO. Thank you.

Mr. CONYERS. Our next witness is the mayor of the city of Chicago, the Honorable Richard J. Daley.

If he will come forward and join us, I don't think that he needs much introduction.

Mayor DALEY. Mr. Chairman, how are you?

Mr. CONYERS. Fine. It is good to see you.

Mayor DALEY. It is nice to see you.

Mr. CONYERS. The mayor is accompanied by the deputy commissioner of public works, Mr. Francis P. Kane.

Mr. McCLORY. Good morning, General.

General KANE. Good morning, Congressman.

Mr. CONYERS. If Your Honor would please introduce the other gentleman for the record.

Mayor DALEY. This is Frank Sullivan, from the mayor's office.

Mr. CONYERS. Mr. Frank Sullivan, fine.

We welcome the mayor here. We know that his concern about the subject that brings us to his city has been one that has made him a foremost spokesman in this cause for years.

He has testified before the Judiciary Committee on this subject in the past and, I think, to maximize the amount of time that will be made available to you, I would like to accept your prepared statement into the record, sir, and then allow you to proceed in any way that you desire.

Mayor DALEY. Fine.

Mr. McCLORY. Would you just yield for this one comment?

Mr. CONYERS. I will.

Mr. McCLORY. The last time we made the mayor come to Washington in order to provide his testimony and we are very happy to be out here today, where you can give it in your own illustrious city of Chicago, Mr. Mayor.

[The prepared statement of Hon. Richard J. Daley follows:]

#### STATEMENT BY HON. RICHARD J. DALEY, MAYOR OF THE CITY OF CHICAGO

Mr. Chairman, members of the subcommittee: I am very appreciative of the opportunity which you have afforded me to appear before you today to state my views on one of the most important domestic subjects facing our country.

As Mayor of Chicago it is my responsibility to provide for the public safety, through the police department, by preventing crimes.

In Chicago, as in most urban communities throughout America, there is a serious crime problem. A major portion of the crimes are committed with handguns.

The handgun is an unusual instrument in that the prime purpose for its existence is to shoot human beings.

It was not invented as an object for collectors or a device to be used in a hobby. It was invented, unlike other readily available items, for the purpose of injuring and killing people.

It is the obligation of Government to prevent its citizens from being shot. It is the obligation of Government, therefore, to eliminate the handgun, as much as possible, from our society.

As Mayor of Chicago I have an obligation to do everything I can to prevent the storeowners of our city from being shot—to protect the taxicab and bus drivers, to protect passengers on public transportation, to protect citizens on the streets and in their homes.

In the cities of America, citizens are threatened by bodily harm from handguns. The fact that there are other dangers to public safety does not lessen the need for Government to do everything possible to end this danger from being shot by a handgun.

The people of America's cities want an end to this threat. We have a long way to go to accomplish this objective, but it is not impossible.

There have been other threats to the public health and safety which, only a few years ago, seemed insurmountable. In a few short years, however, the people of this country have almost universally become aware, for example, of the dangers to health from cigarette smoking. In a few short years we also have gained widespread recognition of the dangers to health from air and water pollution.

These threats to health have become recognized because of massive campaigns to educate everyone. And accompanying these educative campaigns, there has been legislative action by Government.

The same can happen regarding the terrible danger to human life from handguns.

The educational campaign against handguns has been slow, but it is moving. The most serious impediment toward its success, however, is the failure of the American television industry to cooperate.

It is indeed ironic that our greatest potential for educating people of all ages—the television industry—not only fails to communicate the desirability of banning handguns, but, over and over again, every night, emphasizes and often glorifies violence and the use of handguns.

We read last week, for example, how a writer for the publication, "Advertising Age," kept a count on the number of murders portrayed on television from January 1 through April 4 of this year. Although, admittedly, he could not view every violent television program, nevertheless, he totaled up more than 200 murders portrayed during that period.

Because efforts to protect our citizens from the dangers of handguns require both an educational campaign and legislative controls, I recommend that the three national television corporations examine their failures on this subject and attempt to serve the public which allows them the use of public airwaves to make their profits.

In contrast to the privately-owned television networks, the management of the public educational television station in Chicago, WTTW, deserves special commendation for participating in the educative process by televising this hearing today.

I also want to state that the same commendation is due the distinguished chairman and members of this committee for holding these public hearings in various cities and thereby contributing to the educative process.

With the cooperation of the churches and synagogues, the schools and universities, the business community, labor, the media, government and all segments of our society, we can accelerate the process of pointing out to all persons, whether they be residents of rural or urban America, the dangers to public safety which are caused by handguns. But this is going to be only half the battle.

There must be legislative action, and it must come at the Federal level.

We in Chicago have acted legislatively. Chicago requires the registration of all firearms. This will be explained to you in detail, by General Francis Kane, the special assistant to the mayor for gun registration.

Chicago has enacted an ordinance which imposes a mandatory jail term for failure to register firearms. But we cannot tackle the main problem, which is the availability of handguns. We need the help of Congress and we ask your help.

First of all, legislation which would prohibit the manufacture, sale, and possession of "Saturday Night Specials" will save lives.

Sometime ago, a man came into my office and showed me two of these so-called Saturday night specials. They had been manufactured in another State and were shipped through the mails to two teenage boys in Chicago; one, 15, and the other, 13. A 13-year-old boy found it easy to become the owner of a handgun.

The "Saturday Night Specials" should be absolutely prohibited.

Second, Congress should eliminate the loopholes which exist in the Gun Control Act of 1968. We must not permit the importation of parts of guns which are later assembled in this country.

Third, a Federal law requiring the registration of all handguns would contribute to the public safety. Just as automobiles are registered, handguns should be registered. Owners of handguns, just like owners of automobiles, must accept the responsibilities of ownership.

A national handgun registration law would subject violators to a uniform penalty throughout the country, and would subject them to having their illegal handguns confiscated.

A national firearms registration law also would establish a Federal standard applicable in all jurisdictions as to who is eligible to register a handgun and, therefore, who is eligible to own one. This provision alone could keep handguns from being sold to many of the irresponsible persons who are now purchasing them, such as the 13 and 15 year olds I have cited.

Prohibiting all "Saturday Night Specials," closing the loopholes regarding the importation of gun parts, and a national handgun registration law are measures which could and would save many lives. Many more precious lives, however, would be saved if Congress would enact legislation prohibiting the manufacture, sale, and possession of all handguns, except for law enforcement agencies.

Last year in Chicago there were 970 murders. The victims in 794 of these cases, or about 81 percent, were blacks and latinos.

Most of the murders in Chicago were committed with handguns, and four out of every five murder victims were black or latino. Any step which could be taken to save one of these lives should be taken.

There must be a reduction in the availability of handguns. I am certain the day will come when Congress eventually will prohibit the possession of all handguns. I urge the members of this distinguished subcommittee, to bring about that day as soon as possible in order to better protect the men, women, and children of this country.

### TESTIMONY OF HON. RICHARD J. DALEY, MAYOR OF THE CITY OF CHICAGO

Mayor DALEY. I think we have appeared many times, but not successfully, with respect to passing legislation, and I think this is one of the main concerns of our great country.

Mr. Chairman, members of the subcommittee, I am very appreciative of the opportunity which you have afforded me to appear before you today to state my views on one of the most important domestic subjects facing our country.

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however, the people of this country have almost universally become aware, for example, of the dangers to health from cigarette smoking. In a few short years, we also have gained widespread recognition of the dangers to health from air and water pollution.

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Now, why the Congress hasn't passed legislation on the abolition of handguns and why we have to hold another meeting to prove what is happening in every city and not only in the cities but in the rural areas if you please with respect to crime and the use of handguns in the killing of people.

Now, I have the formal statement and I think the formal statement will just take up the time of the committee and I know you have a lot of people here who want to testify and all I would like to say is that the Congress should surely come to some agreement.

I think all of us are agreed on one thing: That the handgun is not used for any other purpose but to kill. That is what it was manufactured for.

Mr. CONYERS. To kill human beings?

Mayor DALEY. To kill human beings, not to kill game or not to kill rabbits or anything else.



We are not talking about rifles but just to give you an illustration, a very practical one in what is happening in our country, unbelievable as it is and why some legislative body doesn't stop the transportation by express companies of guns because you know they are received in every city into the hands of children, 11 and 12 years of age.

All you have to do is send in the necessary amount of money and the express company will send you a handgun.

This handgun then comes into the possession of many, many people. With respect to registration, we think that is the first step and our legislation proposes registration on a national level which is a recognition by the National government of the emergency which confronts our domestic society.

No one has to look around to see the number of murders today with handguns and the number of young people killing themselves in the gang structure without asking them one question.

Where do they—where do these handguns come from?

We find out that much of the killing is done in the black and latino communities and surely they are the people that we have to protect more than any one else. We are the people that we say in the city and in the suburbs included must have the national law recognized, because something is wrong in our society, and not to talk about the number of murders being committed at the same time talk about how these murders are being committed, about the number of holdups with a gun, the number of murders in connection with holdups and about, as the Congressman from Illinois said, about the number of tragedies in the family due to the possession of the gun, where someone shoots his wife or a member of the family. This is all going on in our great society and we had the assassination of a President. We had the assassination of his brother, and we had the assassination of a great religious leader and how much has to happen in this country before we point out to everyone the necessity of some kind of legislation.

Mr. Chairman, we are not talking about rifles. We are not talking about shotguns. We are not talking about taking them away from the farmer. We are talking about a handgun that is used, as you said so well.—the handgun is intended to kill human beings.

I think the Congress has been long delayed and surely long putting off the question that they should confront and I confront it, and I think it is one that is the most important domestic question that is before us today, and I hope that this subcommittee will make the necessary recommendations.

I don't think anyone would say that the recommendation of this subcommittee and the action of the Congress would reduce crime tomorrow morning or next week. That is ridiculous.

No one would say that it would reduce the number of people that are being killed because that is ridiculous, but it would be the first step in educating the citizens of our great country on the necessity of doing something to reduce the number of murders that are happening and particularly to reduce the possession of guns in the hands.

A woman called a few years ago from Woodlawn, a black woman, and she said she was concerned and frightened. She called the mayor's office and said that her sons, one 11 and one 12, ordered handguns from Selma, Ala. One of them was \$4.95 and the other was \$6.05.



Now, they were received through the express company. The police confiscated them, and she was concerned that her sons, one 11 and one 12, of tender ages, received handguns through the mail, through the express.

When they took the handguns and brought them to the manufacturer, and asked the price of duplicating the weapon, which was a five-cylinder .22 or .32 and an automatic, the one that sold for \$4.95 cost \$1.09 to manufacture. The automatic that sold for \$6.05 cost \$2.18.

So I say to you, Mr. Chairman, much of this argument is not on the question of the right to possess guns. Much of it is attributable to the excessive profit in the trafficking with human beings and with people in the selling of this kind of equipment to children and there are no restrictions today. Anyone can send in the necessary amount and get, by express, the gun. And I am sure that Congress would want to correct that situation.

I know, with the fine leadership of this Chairman, and the members of this subcommittee, that you will take the steps to help us in our problems in the great city of Chicago.

We are no better than anybody else. We are no worse than anybody else. We have a good city and we have fine people in it and all the people of our city are concerned; black, latinos, white, all nationalities concerned about doing something about the handgun; and I would say to the riflemen: I think they are doing great disservice to all the people of our country in being opposed to what you are trying to do through the control or through the elimination of the handgun.

I hope eventually we reach the sophisticated age, which it takes us a long time to reach, where the manufacture completely of the handgun would be prohibited by the Congress of the United States.

I thank you very much for the opportunity you have given me to appear before you.

Mr. CONNERS. Mayor Daley, we are indebted to you not only for your submitted statement but for the extemporaneous comments that have covered a great range of very important issues.

But I believe we have to separate things out and discuss them in an unemotional and dispassionate way.

I appreciate the way you have made your presentation. I think that it is very important that the mayor of this city, who has had such experience as you have had in terms of trying to reduce crime and the use of guns illegally held, express your views on this issue in this way.

Let me begin by just asking you and perhaps your assistants about the activity that Chicago has undertaken specifically in terms of reducing the availability of handguns.

You have a procedure here that is relatively unique. It was one of the reasons that we chose to come to Chicago for our first hearings not in the Capital and I would like you to tell us, if you will, about your registration program here and its effectiveness.

MAYOR DALEY. Well, a few years ago we appeared before the Congress on registration. We appeared before the legislature on registration, and we were successful.

Our staff, including General Kane and the men and women working on it for several years have tried to do it as a city, so we passed the registration law and we registered the person as well as the gun and we

identified the person with the gun, which we think is very important in the registration process.

Then we proceeded by education through the churches, through the schools, and through every organization we could, urging people to register and the general can explain to you this procedure in detail.

I think we have been successful but very frankly, Mr. Chairman, when the suburban areas alongside of you have no registration of guns and you can go in and buy a gun at any time, then you have a difficult time in the city.

When the State has a registration law, but the registration law doesn't identify the person but it identifies the gun, you have difficulty in following it up.

We have, however, on the part of the prosecutor, a reluctance to push the gun charges. They are generally dropped in the plea bargaining process that we see in this county and place in the United States, this plea bargaining with felons and you never actually have the trial of the gun cases.

There have been very few real trials on gun cases in themselves in Cook County.

We have amended the law making it mandatory that a jail sentence be no less than 10 days nor more than 6 months.

There hasn't been any cases come up on this point. We hope both the judiciary as well as the enforcing officers will do something in bringing to the forefront the prosecution of people that do not register weapons, handguns.

Mr. CONYERS. Is it fair, then, to say that your registration has been hampered because of the simple fact that all the surrounding areas throughout this State and others do not have a comparable registration provision, so that you are now plagued with an influx of guns that do not go through the registration process at all?

Mayor DALEY. I think you are perfectly right, Mr. Chairman.

Mr. CONYERS. Do any of you wish to amplify on your registration experience?

General KANE. Mr. Chairman, if I may suggest, I am scheduled to appear here later as a witness, and rather than take up Mayor Daley's time—

Mayor DALEY. No, go right ahead, General.

General KANE. I will be glad to.

I have a lot of additional information.

Mayor DALEY. We are interested in all the important people you are hearing today.

Mr. CONYERS. Well, I appreciate that.

Let me yield now to Mr. McClory, who might have a question or two for the mayor.

Mr. McCLORY. Well, I don't know that I have a question. I have a comment and I think, Mayor, that by indicating the need for Federal leadership in this area, you have probably pinpointed the principal objective of this committee and what the Congress can do.

I am very pleased to have your support of Federal registration because it seems to me that either Federal registration or State and local registration under Federal guidelines would give us the kind of uniformity that I think we need in order to discourage the trafficking in firearms.

I have an idea that the instance to which you made reference, this business of shipping the guns from Selma, Ala., to Chicago, is a very stark violation of existing law.

Mayor DALEY. Well, if it is, we have been unable to find that because it is going on right today.

Mr. McCLORY. I note you also are——

Mayor DALEY. And at one time, Congressman, the mails were used.

Mr. McCLORY. Right.

Mayor DALEY. And we at least corrected that but for a long time it was being sent through the Government mail which is really a little ridiculous.

Mr. McCLORY. Right. We have a prohibition against the interstate shipment of guns——

Mayor DALEY. Now.

Mr. McCLORY [continuing]. Except by dealers and they are all licensed and all of those firearms are registered.

You have come out strongly against the Saturday night special, which you did 2 years ago in Washington.

Mayor DALEY. That is right.

Mr. McCLORY. I am hopeful that as a very minimum we can see some legislation on that, and this business of mandatory penalties to which you made reference, there shouldn't be any question as far as that is concerned.

I think your testimony has been very helpful to us and I think that we have already been well rewarded for the conducting of these hearings in Chicago, Mayor.

Mayor DALEY. Congressman, may I just comment on your comments.

I don't think there should be a great quarrel between the Federal Government and the States and cities.

Mr. McCLORY. Right.

Mayor DALEY. Certainly all of them want to correct this.

If it is going to happen, it should happen with teamwork and cooperation.

Mr. McCLORY. Exactly.

Mayor DALEY. And, now there are particular bills up there and there seems to be adequate Federal bureaucracy and I know the Federal Government will do the job together with the local and State people and I know that it will be a cooperative job and it has to be.

Mr. McCLORY. One of the suggestions that the chairman and I have put out is the greater utilization of the LEAA funds for beefing up the gun legislation at the State and local level, which is again along the line of cooperation that you referred to.

Mayor DALEY. That is right.

Mr. McCLORY. That is all I have, Mr. Chairman.

Mr. CONYERS. Mr. Ashbrook.

Mr. ASHBROOK. Thank you.

Mr. Mayor, I would say as one of your admirers that I am probably the member of the panel who is not close to being convinced that we need Federal legislation, however, my difference with your views does not minimize my appreciation of your responsibilities or of your record.

However, I do have two questions: As a mayor who has given strong support to his policemen in the past, who respects their opinion, who

appreciates their problems, I think your record is very clear on that. I assume you have seen it, but I would like to call your attention to "The Blue Light" of January 1975, in which the response of your policemen seems to be overwhelmingly against what is being recommended here.

Some 74.5 percent believe the present handgun registration laws are OK, but violation penalties should be stiffened.

A flat 20 percent want no handgun control; 23.5 percent indicate the present handgun registration laws are adequate and down as low as 3.9 believe handguns should be confiscated.

This would seem to be a rather overwhelming expression of the basic freedom to own a firearm by those who walk the alleys, who walk the streets or who are in the most imminent danger and I wonder what your comments on that would be.

Mayor DALEY. Well, I would comment, like you would, on any poll of your people in your district.

You take it into consideration but you don't form your judgment on it. You form your judgment yourself.

I think the question of handguns is so serious that whatever we do would help the policemen, keep them from being cut down in the performance of their duties.

Now, I realize that policemen, like everyone else, are entitled to their opinion, but that won't control this serious question.

If the policemen felt one way about a situation, when we know every year there are six or eight policemen losing their lives and we go out and visit their widows and their children, just because someone had a handgun that shouldn't have had it—there are that family and that policeman is not in that percentage that you were talking about.

Mr. ASHBROOK. Well, I will probably ask General Kane questions later regarding registration because I think there is an honest difference of opinion here as to whether or not those who are going to misuse a gun or potential criminals will register them anyway.

The only other question I would ask, because I know you have great strictures of time is this: The thing that concerns so many people regarding registration of firearms is that it is the first step to ultimately having confiscation.

Now, the city of Washington, D.C., for example, has a registration of firearms ordinance. Now, they are currently discussing ordinances and I think the 26,000 that are registered, those who come to city hall and in effect turned their guns in have indicated that there is a positive and legitimate concern of many honest Americans who own firearms and I would be interested in an important city like this in knowing whether or not that is being considered by you, either the council or this administration.

Mayor DALEY. I hope that the public would be educated.

I think that what you are talking about this morning needs tremendous education all over this country and it needs it in the Congress as well as in the cities and in the States.

As we get more and more education on the dangers of the hand weapon in the home, I would think that the majority of those people, we wouldn't have to talk about confiscation, because they would recognize themselves the danger of having a handgun because you and I know what happens every day.

You see the heartbreak. You see the husband arising from sleep in the middle of the night and cutting down his wife or family and that happens every day in our country, because the handgun was there. If the handgun wasn't there, he wouldn't be able to use it. He might use a baseball bat or something like that, but he wouldn't be killing them in the dark.

Now, that is why we say that if we can get enough education, and I know, Congressman, you are entitled to your opinion and you might be right, no one wants to confiscate anything in the country and that goes for a lot of things but we want to, by education and the voluntary acts of our citizens, we want them to cooperate to the extent that they will start recognizing that all the various organizations throughout the country, women's organizations, citizens' organizations, churches, religious groups, will come to the conclusion that what we need here is massive publicity, a massive publicity campaign.

Now, when you talk about television, what is more devastating than what you see on television, the use of the handgun and so forth.

The Advertising Age carried the story or did a story just the other day, which indicates that if you take all the programs from the 1st of January until April, they depicted 200 murders on television and we would think that would be a great instrumentality that would be cooperating with you men in order to pass some kind of legislation to eliminate the handgun. However, we don't hear of it.

We are grateful to the stations giving you this opportunity today and we hope that there will be more of it and we hope that in working it out, maybe you will have the problems, but like any other problem, we should be able to work it out in an honest discussion among men who look to eliminate what is happening in our great country and in our cities.

Mr. ASHBROOK. I thank you, Mayor, and I am particularly pleased that you stressed education and voluntary as against compulsion. Thank you.

Mr. CONYERS. Mr. Mayor, we are grateful for your very important statement. It is a strong one, it is based on the many years of your experience here and I think it is going to meet with more success than your other statements.

Mayor DALEY. I hope it does.

Mr. CONYERS. It is going to have more success than your other statements in the past before the Congress. [Laughter.]

Thank you very, very much.

Mr. McGLORY. May I ask this, Your Honor: I understand Alderman Kelly has prepared a report on handguns. Could we have a copy of that, Mr. Mayor?

Mayor DALEY. Sure. [See Appendix 7.]

Mr. CONYERS. What we would like to do now is this: Congressman Russo had a group of police chiefs that were supposed to have appeared with him and we would like them to come forward now very briefly before we continue with our congressional testimony.

Congressman Mikva is going to be our next witness, but are the police chiefs from Calumet Park, Harvey, and Oak Lawn here?

Chief FRODIN. Yes.

Chief LOWER. Yes.

Chief HEIN. Yes.

Mr. CONYERS. Would you introduce them, Congressman Russo, and could we hear from you briefly, gentlemen, because I know you have given your preparation a good bit of time and we are very happy that you have come before us this morning. Congressman Russo.

Mr. Russo. I will first introduce Chief Robert L. Frodin of Calumet Park, Ill.

**TESTIMONY OF ROBERT L. FRODIN, CHIEF, CALUMET PARK,  
ILL., POLICE DEPARTMENT**

Chief FRODIN. I am Robert Frodin, chief of police for the village of Calumet Park, Ill.

Mr. CONYERS. All right; proceed.

Chief FRODIN. I have been asked to appear and I consider it an honor to bring forth in this hearing and to the listening audience which I hope in some small way might help in the passage of this gun control bill.

I am chief of police for the small community of Calumet Park, and what our department experiences is probably on a much smaller scale than some of the larger departments. However, if our statistics compare populationwise with these larger departments, I don't know anyone could be against the passage of this bill if they were made aware of the statistics.

Excuse me, but in our small community, the commission of crimes using handguns has increased from a figure in 1973 of 15 to 36 in 1974. This is an increase of 140 percent in just 1 year.

If this large increase should be allowed to continue, I can just visualize what the year 1976 will bring.

Crime will not stop, however, if there is a law such as the one before this subcommittee, it would have to be one that will bring perpetrators of these crimes second thoughts on using a dangerous weapon in the commission of these crimes.

It will be of no advantage to the spotted communities to pass gun sales laws as they can go to another city and purchase guns. But if we had a Federal law to stop the crimes in all the cities, I am sure this law is not meant to harm gun clubs or various organizations where, if a person is using a weapon in a sport, he would not be affected, yet it would, however, deter the commission of a crime using these weapons for illegal purposes.

It is my own personal feeling and I can't understand why it is taking so long to pass a good, justifiable law when, for every day it is not passed, more innocent, honest people are being maimed or killed in the commission of crimes involving handguns.

I strongly support this bill, and can only hope that it is passed and supported as quickly as humanly possible to stop this nonsensical maiming and killing of honest citizens.

Mr. CONYERS. Thank you.

Chief FRODIN. Thank you.

Mr. CONYERS. We will next hear from Chief Lower of Harvey, Ill.

**TESTIMONY OF LAWRENCE L. LOWER, CHIEF, HARVEY, ILL.,  
POLICE DEPARTMENT**

Chief LOWER. Mr. Chairman and members of the committee, I am just going to give you a few statistics with respect to handguns being used in the commission of crimes.

Over the past 3 years in our south suburban community, a community in which we are considered to be one of the largest, let me just state this: In 1973, we had 175 crimes involving handguns. In 1974, this jumped up to over 250 guns, handguns used in the commission of crimes.

In the first 3 months of this year we have already had crimes involving handguns of 60 and at this rate, it is going to even mushroom out further than this.

The important part that I like about this bill is the imposed penalties on individuals who have used the handgun in the commission of crimes.

Just in February of this year, we had a tragic incident in our community where five police officers were shot by an individual who was arrested just a short time prior to that with a handgun and he was released and obtained another handgun and went out to shoot five other police officers.

We are taking steps in our community in that we are now proposing a strong gun registration law in the community but it will not be effective unless it can spread out into the other communities and nationwide as far as we are concerned.

Thank you.

Mr. CONYERS. Thank you very much.

How large are your communities, gentlemen? Would you identify the size of your cities, populationwise?

Chief LOWER. Harvey is 36,000.

Chief FRODIN. Calumet Park is a little over 10,000.

**TESTIMONY OF GERHART HEIN, CHIEF, OAK LAWN,  
ILL., POLICE DEPARTMENT**

Chief HEIN. In Oak Lawn, our size is 63,000. We adjoin and touch Chicago at the southwest corner.

Mr. CONYERS. Would you care to make an observation about some of the prospective legislation? I presume that you are all supporting the prohibition of handguns from interstate commerce?

Chief HEIN. Very much so.

Mr. CONYERS. And also mandatory minimum sentences to persons who use guns in the commission of crimes?

Chief FRODIN. Very definitely.

Chief LOWER. Very definitely.

Chief HEIN. Yes.

I would like to touch on what his honor, the mayor, covered as far as Chicago having compulsory registration is concerned.

We do not have it as far as the village is concerned, and if we were to pass this law, or this registration ordinance, it would only mean moving the gun sales out and away.

From our past experience with the gun places and businesses that we do have in Oak Lawn, we have a very good rapport as far as seeing the law enforcement end of it, as far as handling in the sales of the gun is concerned.

We have operated under a voluntary registration as far as our local population is concerned.

So, it isn't a matter of trying to take any rights away from anyone; it is for the people's protection.

We do have the same problems that Chicago has.

I think this proposed bill is a step in the right direction. Possibly the penalties may seem a little severe, but it is a start and I wholeheartedly support this.

We do need something in the way of a national gun control law because of the crossing of State lines, the moving of the sales of guns from one jurisdiction to another, and it is long overdue.

Mr. CONYERS. Well, thank you very much.

Mr. Russo, who was responsible for your coming here, has one question.

Mr. Russo. Yes, Mr. Chairman, thank you.

I would just like to ask the police chiefs in question how their police officers feel about gun control legislation and whether or not they feel that gun control legislation will assist you in doing a better job as police officers.

Chief FRODIN. I have taken a poll of my men and I don't have one of them that is against this bill.

Chief LOWER. I would agree with that. It is a known fact that if we are responding to a call, if we can be alerted to the fact that there possibly would not be a gun involved at the other end, it would make our job a lot easier.

Chief HEIN. It is the general consensus, as far as my department is concerned, that we do need something, because present registration and use of weapons is sometimes relegated to a secondary position as far as an offense is concerned, and it is forgotten and overlooked as far as the importance of the enforcement of it is concerned.

Mr. CONYERS. I would like to thank all three of you collectively on behalf of the subcommittee. I commend our colleague, Mr. Russo, for inviting you to join us here today, and, if you have any further amplification of your statements, you can submit it in writing to the committee for our consideration and to be included in the record.

Again, police chiefs, thank you very, very much.

Chief FRODIN. Thank you, Mr. Chairman.

Chief LOWER. Thank you, Congressman.

Chief HEIN. Thank you.

Mr. CONYERS. Now, Congressman Mikva was going to be next, but I have been advised that Congressman Metcalfe has a pressing time obligation and if Congressman Mikva could yield to Mr. Metcalfe, we will let him come forward now.

Congressman Metcalfe, of course, represents the first district of Illinois. He serves on the International and Commerce Committees as well as the Merchant Marine and Fisheries Committee.



He has introduced handgun control legislation and he has been deeply concerned about the problem.

We have, in fact, had him before this committee in Washington. He was one of the first Members of Congress to testify.

We welcome you back on your home turf, as it were, Mr. Metcalfe, and would invite you to address such further or fuller comments to the subcommittee as you may desire, sir.

### **TESTIMONY OF HON. RALPH METCALFE, A REPRESENTATIVE FROM THE STATE OF ILLINOIS**

Mr. METCALFE. Thank you very much, Mr. Chairman.

My very distinguished colleague, Ab Mikva, said that he was only going to take 5 minutes and I certainly thank him for yielding. I want to assure him that I will not take more than 5 minutes in my presentation.

Mr. CONYERS. Well, this is incredible; if both of you can keep your word here today, it will be a new record that will have been established in the subcommittee.

Mr. METCALFE. Mr. Chairman, I welcome you and the members of the Subcommittee on Crime of the House Committee on the Judiciary to Chicago.

The subject of your hearings is extremely important. I had the honor to testify before this subcommittee in Washington on February 20, 1975 in support of my own handgun bill, H.R. 1533. The bill prohibits the importation, manufacture, sale, purchase, transfer, receipt, and transportation of handguns with certain exceptions.

We have in the city of Chicago a prime example of the tragic consequences of the failure of the Federal Government to enact strong gun control legislation.

In 1974, the city of Chicago experienced 970 deaths by homicide and the major vehicle of homicide was the handgun. In 1974, there were 669 homicides committed by firearms and 73 percent of these were handguns.

The Uniform Crime Report for the United States for 1973—issued in September, 1974—states that in 1973, there were 19,510 murders committed in the United States. In 1973, firearms predominated as the weapon most often used. If we break down the murder rate by type of weapon used, we find that 67 percent were killed by firearms in general and 53 percent of the homicides were committed with handguns. This was an increase of 2 percent over the preceding years.

How many handguns exist in the United States? The U.S. News and World Report estimates around 40 million handguns, or about 1 handgun for every five persons. The task force on firearms, in its staff report to the National Commission on the Causes and Prevention of Violence, estimated that there were 90 million firearms in civilian hands in the United States \* \* \* 35 million rifles, 31 million shotguns, and 24 million handguns \* \* \* [in 1968].

The Criminal Justice Coordinating Council of the city of New York issued a report in November 1973, in which it estimated that there were between 25 and 40 million handguns in the United States at that time and there were approximately 2.5 million handguns sold in the

United States every year. Police Supt. James Rochford estimates that there are at least a half million unregistered guns in Chicago.

According to an article in the December 1, 1974, Chicago Tribune, the chances of an individual in Chicago in 1974 being murdered were four times greater than in 1950; 1 person out of every 35 who died in Chicago in 1974, was a murder victim and 63 percent of those murders were committed by handguns.

What is society's responsibility in the area of handguns? John Mill, in his treatise on liberty, states that: " \* \* \* the fact of living in society renders it indispensable that each should be bound to observe a certain line of conduct toward the rest." And I would think that that statement means that society has a responsibility to protect itself from the aberrant action of certain of its citizens—and, eliminating the means whereby an injurious action is effected, certainly seems to me, at least, to be a legitimate responsibility of the Congress as the elected body having responsibility.

I strongly urge the subcommittee to report out legislation. Strong legislation will dry up the supply of handguns and, hopefully, end the senseless slaughter to which I referred above.

Mr. Chairman, I express my thanks to you and my very distinguished colleagues for allowing me the opportunity to appear before you and to welcome you again to Chicago and let you know how important it is that you are here.

Mr. CONYERS. Congressman Metcalfe, I thank you again. You broke your word and disappointed us by going 1 minute over.

Mr. METCALFE. Oh, did I? I apologize.

Mr. CONYERS. But we have no penalty devised by the subcommittee for these infractions, especially when we are in your area.

But let me raise one question. It is my view that you have stated to us that we should skip over the idea of trying to prohibit Saturday night specials and move to the fuller remedy of eliminating handguns from sale and possibly the manufacture in the United States.

Those handguns that would go ordinarily into civilian markets are what you were referring to, is that correct?

Mr. METCALFE. Yes, I strongly feel that way about it because if a person has a strong desire for a handgun, the cost of that handgun is not going to be a deterrent or deterring factor.

If instead of it costing \$6 it costs \$16 or \$30, \$35 or \$50, then they are going to find the means to get that handgun.

I realize that many of our burglaries are caused because the one type of object that that burglar is after, it is just to break into homes to steal guns because there is a great market for them.

So the Saturday night special is not going to be a deterrent.

I think we have got to prohibit the manufacture, sales, importation, and transportation of all handguns and certainly I would see no reason why any legitimate gun club or any other person would object to my bill, because I make exceptions for them in our bill.

Mr. CONYERS. In other words, sportsmen, hunters, and gun enthusiasts are in no way prohibited from continuing their activities?

Mr. METCALFE. No; nor are the Armed Forces and law enforcement personnel.

Mr. CONYERS. Thank you very much.

Do any of my colleagues on the subcommittee have any questions?

Mr. McCLODY. Mr. Chairman, I don't think that we have the time for questions and I will therefore forgo my questioning.

I would comment that, as I understand your position, it would be to deny the right and opportunity to shopkeepers and to homeowners to have a pistol or revolver for what they would regard as their own defense and I think that that approach is just a little bit too ambitious for one thing.

Also, I would like to comment that, as I recall the commissioner of police of the city of Atlanta, said that 70 percent of the street crimes in Atlanta during the period that he mentioned, were committed with the Saturday night specials.

So outlawing the Saturday night specials and effecting some kind of registration or some type of control with regard to other handguns, it seems to me would provide a substantial answer to the problem that we have.

I thank you very much for your very good comments.

Mr. METCALFE. Very briefly, let me just say that the Saturday night special, I have already addressed myself to that.

That is not the answer with respect to other guns, but if you will notice in my bill, I do not address myself to a person having a gun in their home.

Mr. McCLODY. I see.

Mr. METCALFE. I thought that would be unrealistic.

Mr. McCLODY. Right, and I am glad to know that.

Mr. METCALFE. And the application of the law is not equally applied in all communities and so I have refrained from that.

Mr. McCLODY. Yes.

Mr. METCALFE. What my bill purports to do is to dry up the supply of them so that so many guns will not be so easily accessible and made available through the manufacture, sale, and importation of them, and I would like to make that clear to you, sir.

Mr. McCLODY. Very good.

Mr. METCALFE. Thank you very much.

Mr. CONYERS. Well, does that then mean that shopkeepers or homeowners would not be permitted to have handguns in their homes or in their places of business?

Mr. METCALFE. Well, first, it only means we would be taking the thing one step at a time, recognizing that there is a lot of opposition and I am not unrealistic enough to believe that we can pass a bill in Washington and that it is going to be accepted nationwide.

Therefore, I have not addressed myself to the present ownership of guns but rather, because of the fact that we are confiscating millions of guns a year and burning them, that there will be a drying up effect and that we are going to save a lot of lives including the lives of many of our law enforcement officers as well as our own lives.

Mr. CONYERS. Well, that is important because what you are calling for is the discontinued production and distribution of guns, without affecting those guns that are already out.

Mr. METCALFE. Yes.

Mr. CONYERS. It would have a "drying-up" effect.

Mr. METCALFE. Yes; and then, as I said in my statement, with 2-percent increase over the previous years, the number of sales of guns and murders committed by handguns is increasing so we have got to do something about that and I propose that we do.

Mr. CONYERS. Very good.

Mr. METCALFE. Thank you.

Mr. CONYERS. Mr. Ashbrook.

Mr. ASHBROOK. No questions—I would make one observation particularly on the basis of your statement that there are probably 500,000 handguns in Chicago which are not registered.

I just wonder, in talking to Mr. McClory about a deterrent, what deterrent another law would be if the law isn't being obeyed in Chicago right now.

Mr. METCALFE. It is being obeyed. I don't think that I inferred that it isn't because, when General Kane comes on, you can ask him how many are registered here and therefore make that comparison against those that they estimate are not registered and they have had to come to one conclusion as to how they arrived at those figures and that is by the number of guns that have been confiscated and have not been returned, but were not registered.

I think that the registration of the guns has had some effect on people carrying a gun. Now, it is a question of the enforcement of it.

Now, it is a question of the enforcement of it.

Mr. ASHBROOK. Thank you.

Mr. METCALFE. You see, our major problem is that outside of Chicago, you can go across the street and buy a gun in another community.

Mr. ASHBROOK. It still would be illegal to bring that gun back into Chicago and not register it, which makes up the 500,000 that the chief of police is talking about.

Mr. METCALFE. That needs to be registered if it is going to be in Chicago.

Thank you.

Mr. CONYERS. Thank you again, Congressman Metcalfe. You have reinforced your earlier statements in a very fine manner.

I would like now to call our colleague from the 10th Congressional District—I think that is the district he is still in, at least temporarily—Congressman Abner Mikva, a former member of the Judiciary Committee, who has demonstrated in his legislative career in the State of Illinois as well as in the Congress, his deep concern over the subject that brings us here.

He now serves on the Ways and Means Committee, in the 94th Congress, and as a friend and a colleague, I am delighted to have you appear again before the subcommittee to reinforce your views.

You may proceed in your own way and, of course, introduce your associates that you have brought with you.

#### TESTIMONY OF HON. ABNER J. MIKVA, A REPRESENTATIVE FROM THE STATE OF ILLINOIS

Mr. MIKVA. Mr. Chairman, I would like to thank the committee for this opportunity to testify and to commend the chairman of the Crime Subcommittee, my good friend and distinguished colleague, Representative John Conyers, for scheduling these hearings as the first order of business before this subcommittee. I could not agree more that the subject of handgun control is a top priority concern.

Today we begin still another round in the debate over whether this country should do something about the handgun. If a debate implies

an exchange of ideas and arguments to achieve a rational course of action, then the debate over handguns should be ancient history by now. Of all the legislative battles and arguments in which I have participated, none has been more lopsided, more obviously weighted toward one end than the so-called debate on handguns.

The facts and figures are there—and have been there—for everybody to see. Each year there are more handguns in circulation than the year before—now over 40 million. Each year there are more homicides with handguns than the year before—almost 70 percent of all murders in 1974 were by handguns, up from 63 percent in 1973 and up from 43 percent 10 years ago. And, of course, each year there are more handgun-related crimes and accidents with handguns than the year before.

In a way, however, the handgun statistics do not shed light on the pervasiveness of the problem but blind us to it. It is too easy to treat these numbers as meaningless abstractions, which apply only to an alleged criminal element, without realizing that the numbers symbolize a drastic change in the way millions of Americans must now lead their lives.

We watch a scene in an escapist western movie where the villain rides into town, guns drawn, and all of the good citizens abandon the streets and run for cover. After a number of such acts of terror, the good townsfolk discover a hero on a charging horse who stands up to the villain, usually with the hero's own guns drawn and blazing, and when the theatre lights come back on, virtue has triumphed and the good townsfolk have their streets back again.

Part of that fictionalized western movie is reality for millions of Americans today. Americans have lost their streets—in large cities, in suburbs and increasingly in smaller communities—to the threat of violence, violence most often carried out with a handgun. But unlike the old western movie, there is not likely to be a hero on a charging horse coming to our rescue if we should be met with terror on the streets. There are not enough heroes or horses to go around.

By giving up the streets of America to the threat of violent crime, we have changed our entire lives. Some of our citizens, particularly those who are poor and who have fewer alternatives, have become virtual prisoners in their own homes and neighborhoods. Others have severed long-established roots in a community and moved on, the transplant never quite as satisfying. For almost everybody, the threat of violent crime has meant a change in the way they work, or play, or bring up their children, or build their houses, or relate to their neighbors or participate in the community—and for many of us, the threat of violent crime has meant a change in all of these things.

In short, we must realize the pervasive consequences that violent crime—both the threat and reality—has had on our society. It has changed our lives to a degree most often associated with the revolutionary technological changes of the post-World War II period—television, the growth of the automobile and commercial air travel, computers. Yes, this society has had a long history of violence, but the magnitude of the present situation is unprecedented and intolerable.

The major thrust of what I am saying is understood clearly by the vast majority of Americans. They understand that the problem of

violent crime and the use and availability of handguns are directly related. Every public opinion poll on handguns shows that an overwhelming majority of Americans favor strong controls. And in recent years, police officials throughout the country have been calling repeatedly for strong national handgun control legislation.

The people are frustrated and angry over Congress' refusal to pass strong handgun legislation. Citizens have formed a variety of groups to mobilize support for such legislation. For the first time in the long history of the battle over handgun legislation, there is going to be an organized opposition to the National Rifle Association and the gun lobby. And if it is true, as Aristotle suggested, that truth and justice are more powerful than their opposites, then the citizens lobby for handgun legislation will triumph.

My bills, H.R. 638 and H.R. 3086, would prohibit the importation, manufacture, sale, purchase, transfer, receipt, or transportation of handguns, except for or by members of the Armed Forces, law enforcement officials, and where authorized, licensed importers, manufacturers, dealers, and pistol clubs.

There is nothing in my bills that would interfere with the legitimate activities of hunters or sportsmen. I appeal to them, who as American citizens have also been victims of spiraling violent crime, to support these bills. It is time we give the streets of America back to the people who live there, rather than have them owned by gun-toting hoodlums. It is time for legitimate hunters and sportsmen to stop, in effect, providing ammunition to these hoodlums.

Mr. Chairman, I shall also be submitting to the subcommittee an extension of my remarks for inclusion in the record of these hearings. [The extension of Mr. Mikva's remarks follow:]

#### EXTENSION OF REMARKS BY CONGRESSMAN MIKVA

Handgun Crime Control Act of 1975 (introduced as H.R. 638, 3086 and 3675) : Makes it unlawful to import, manufacture, sell, buy, transfer, receive or transport any handgun.

Exempts from the above, the importation, manufacture, etc. of handguns for use by Federal, State and local departments or agencies; handguns determined by the Secretary of Treasury (or his delegate) to be unserviceable, not restorable and intended as a curio, museum piece or collectors' item; and handguns imported, manufactured, etc. by importers, manufacturers, dealers and pistol clubs licensed by the Secretary.

Provides a licensing process for pistol clubs, under which license applications shall be approved if the pistol club maintains possession and control of the handguns and has procedures for keeping such handguns in a secure place and if no member of the club is prohibited from transporting or receiving firearms or ammunition under Federal or State law.

Establishes a reimbursement system by which the Secretary may designate Federal, State and local law enforcement agencies to receive the voluntary delivery of handguns and to pay the owners of such handguns \$25 or the fair market value of the gun, whichever is higher.

Note: this legislation does *not* ban the *possession* or ownership of handguns because it is Congressman Rostenkowski's and my feeling that a prohibition on the manufacture, sale and distribution of handguns and the "bounty" plan will sharply reduce handgun ownership and that, secondly, police officers should not be put into the untenable and dangerous position of breaking into people's homes to seize handguns.

Mr. MIKVA. I am very glad you are here.

I think it is going to be good for the subcommittee to get some mid-western views and I think it is going to be very good for Illinois to see how well the legislative process is working, as reflected by this subcommittee.

Mr. CONYERS. Thank you.

Mr. MIKVA. I appreciate the urgency and the dedication that this subcommittee has given in the past.

I would like not to use my time, because you gave me the privilege of testifying before, so instead of testifying again, I would like to introduce the chief of police of the town in which I live, Evanston, a town of some 80,000 people, and ask him to state his views on the bill.

Chief William C. McHugh was born and raised on Chicago's North Side. He has lived in Evanston for the last 26 years and 23 of those he has been a police officer. For the last 6 years, he has been chief of police.

One of the reasons that Evanston is a great place to live is because of the great work of Chief McHugh and I would appreciate the committee hearing from him.

Accompanying him on my left is officer Tom Hunter of the Evanston Police Force and I hope the committee will hear from them.

Mr. CONYERS. Welcome, chief, and you may make your statement at this point.

#### **TESTIMONY OF WILLIAM C. McHUGH, CHIEF, EVANSTON POLICE DEPARTMENT, EVANSTON, ILL.**

Chief McHUGH. Mr. Chairman, I am most grateful to Congressman Mikva for allowing me to use his time to address the distinguished committee on the subject of handgun control.

Evanston, Ill., is a community of 80,000 population and is the largest suburb to the north of Chicago, Ill. Our borders extend contiguously along Howard Street from Paulina Street on the east to McCormick Boulevard, a distance of approximately 2 miles. As a result, we share many of the same common problems encountered by the Chicago Police Department. It is not uncommon for assistance to be rendered by either department to the other at any given time, and at times, jointly make arrests of criminals who have committed crimes in our cities. All too often these crimes involve the use of handguns.

The Evanston Police Department shares the concern of the citizens. We know all too well the results of handguns in the commission of a crime. Recently we had a murder committed, and not only was there a death—the offender shot a second person seriously and then wounded himself when he was about to be arrested.

The recent attempt to assassinate a police officer was by the use of a small caliber automatic in the hands of a criminal.

These are only two examples of what has occurred.

The crime statistics recently released by the FBI indicates that serious crime is up 20 percent in the suburbs. This is twice the increase experienced by cities with over a million population. The dramatic increase in serious crimes in the city of Evanston is alarming. For example, since 1965 there has been a 416-percent increase in robbery with a handgun and a 260-percent increase in the last 5 years.



Mr. CONYERS. Chief McHugh, if I may interrupt you, please. Let's get down to cases.

What do you think is really causing that sharp and abrupt increase in crime in suburban areas? What do you attribute it to?

Chief McHUGH. I think it is a combination of many things, Mr. Chairman. Certainly the growing disregard for law; the economy certainly plays a part in it and the apathetic approach of too many people as it regards what is happening to their neighborhood.

Another factor certainly is the availability and accessibility and the use of handguns which is indicative of that feeling.

Mr. CONYERS. Thank you very much.

Chief McHUGH. If I may go on, sir.

Mr. CONYERS. Yes.

Chief McHUGH. Apprehensions of criminals armed with a handgun in prior years was once a rarity. Today, it is almost a common occurrence. The recognition that any crime committed while armed with a gun is potentially a murder, maiming injury, or at the very least a traumatic fear-inspiring experience for the victim, cannot be overlooked when calculating the needs. There is no invisible wall that separates the suburban dweller from any of the dangers that occur in the city daily. Many weapons are in the hands of the suburban criminal and he, too, is all too willing to use them.

Gentlemen, I support Mr. Mikva's bill, 3086, presently before you. To me, it offers a realistic, achievable goal. Its application as it pertains to the legitimate enthusiast is reasonable. It allows for lawful ownership for engaging in sports, collecting, and museum pieces. I feel the key is control and enforcement of good law by all segments of the criminal justice system.

Jointly, we can deter the use of and possession of handguns for the commission of criminal acts. I join with a growing number of my fellow law enforcement officials in urging you to support this very vital piece of legislation.

Mr. CONYERS. Thank you very much.

We will ask questions when all of the witnesses have concluded.

Mr. MIKVA. The other two are here this morning to present some interesting statistics to satisfy your concern about handguns.

They have got something that a few legislators have not dreamed up.

This is Mr. Gerald Feldman, president of the Checker Taxi, Inc., representing Checker and Yellow Cab Cos., the two largest companies in Chicago who conducted a very interesting survey.

I would ask Mr. Feldman to describe that and somewhere along the line, he will give to you, Mr. Chairman, for entry into the record, the results of that survey. [See Appendix 8.]

Mr. Feldman.

**TESTIMONY OF GERALD FELDMAN, PRESIDENT, CHECKER TAXI, INC., CHICAGO, ILL., REPRESENTING CHECKER AND YELLOW CAB COS.**

Mr. FELDMAN. Well, first of all, Mr. Chairman and members of the committee, I also welcome you to the city of Chicago. I hope you will use our facilities while you are here.



Mr. MIKVA. And their cabs, if you can get one. [Laughter.]

Mr. FELDMAN. Stay away from my competitors.

We decided some time ago that we would like to try, as a public service, to find out what the broad spectrum of people, not only in the city of Chicago but throughout the country are thinking about.

Our riders do represent the entire country. They represent rich and the poor, the union and the nonunion, farmers and laborers, the whole spectrum.

So we devised a questionnaire which was handed out to all of our drivers early in March or early in April, I am sorry—no, it was in March. The questionnaire read like this:

The drivers of Checker and Yellow Cab Companies would like to know your opinion on this important issue.

Question: Do you support the Handgun Crime Control Act of 1973, a bill in the United States Congress which prohibits the importation, manufacture and sale of handguns except for the use by the Armed Forces, police and authorized importers, manufacturers, dealers and pistol clubs?

Now, this questionnaire was handed out to the passengers who, in turn, merely marked "yes" or "no," their name, address, and city.

The results of that poll were quite interesting. 8,616 people marked "yes," 1,795 marked "no." The ratio was 83 to 17.

We found it very interesting and we did work with Congressman Mikva's office and we informed him of the results. I am sure he was quite elated.

Mr. CONYERS. We have heard about those polls that were taken by the cab companies, and we are very grateful to have you here.

I don't know if we can enter them into the record except for the statistical results, but I think that is probably a fair sampling of public opinion in the area.

Was that 83 to 16?

Mr. FELDMAN. Eighty-three to seventeen.

Mr. CONYERS. Eighty-three to seventeen in support?

Mr. FELDMAN. Yes.

Mr. CONYERS. In support of legislation that would, in effect, ban the interstate sale of handguns?

Mr. MIKVA. Yes.

Mr. CONYERS. Was that the thrust of the question?

Mr. FELDMAN. Yes, that is right.

Mr. CONYERS. All right.

Mr. MIKVA. Mr. Chairman, one other gentleman is here with me, Mr. Joseph Koek who is a member of the board, Chicago Retail Cleaners and Tailors Association, who conducted a similar poll in their cleaning establishments and I would like him to report the results of that poll to the committee.

Mr. CONYERS. Fine.

Would you do so, please, Mr. Koek?

#### TESTIMONY OF JOSEPH B. KOEK, MEMBER OF THE BOARD OF THE CHICAGO RETAIL CLEANERS AND TAILORS

Mr. KOEK. Thank you, Mr. Mikva.

My name is Joseph B. Koek. I am a board member of the Chicago Retail Cleaners and Tailors Association. Our association is a not-for-

profit organization, chartered by the State of Illinois with offices at 2318 West Belmont Avenue, Chicago, Ill., ZIP code 60618. We represent about 150 retail cleaning and tailoring establishments in the city of Chicago and suburbs.

It is said that one should not discuss politics, sports, or religion when you are in business contact with other people.

Since H.R. 638 is introduced in the House of Representatives, it is a political issue.

Since some sportsmen are against gun control, H.R. 638 is a sports issue.

Since the commandments tell us, "Thou shalt not kill," and handguns are made to kill, H.R. 638, is a religious issue.

However, our officers and board members found the handgun issue important enough to throw all caution to the wind and take a survey in our member stores to see how our customers felt about the handgun issue.

One thousand two hundred seventy-one customers responded: 1,087 of those, or 88.5 percent are for handgun legislation, and only 184, or 14.5 percent, are against.

So today I am representing 1,271 people who want to take the handguns off the streets.

I am not an expert witness. I just like people and would like to see them go on living without the fear of getting shot.

When I started to work on the survey committee, I had no idea how involved I was going to get in this issue, but the reaction from the customers in my store and the mail we receive convinced me that this bill must pass.

As an individual and speaking for the people who signed our survey sheets and the many people who signed similar surveys in their own organizations, I humbly ask, no, I urge you to pass this bill as soon as possible. It will save lives.

And then I also request that these surveys be included in the records of this committee.

Mr. CONYERS. Thank you very much.

Mr. KOEK. Thank you.

Mr. MIKVA. Mr. Chairman, that completes the testimony of the witnesses.

There are similar surveys going on with two other groups in Chicago; the Retail Druggists Association has one going on currently among their 1,200 members in the metropolitan area of Chicago and so far it has been under way only a few days, but they are going on with it and out of the 1,256 who have thus far responded, 1,054 or 87 percent are in favor of such a ban, and 152 or 12.5 percent are against it.

The Chicago chapter and various other chapters of the League of Women Voters have been conducting a similar poll, and out of 516 responding, 505 of them favor this kind of a ban as against 11 who don't.

Mr. Chairman, I am aware of the differences that exist as to whether there should be registration on Saturday night specials and I hope that the committee will take into account the overwhelmingly strong feeling in this particular piece of urban America, that we must take a very strong step.

Now, I would like to close and I hope that you will have questions of the witnesses, but before I do that, I would like to read a letter that I received on March 28, 1975, and I believe we all received copies of the letters about this subject but this one appealed to me and, Bob, I think you got one and I would like to read it.

It reads:

All Illinois State Congressmen:

On the day of the eighteenth of October nineteen seventy four, at approximately seven o'clock in the evening, my two daughters Sonla and Lilla, in the company of another girl, were walking down the street. They were on their way to the Catholic High School St. Willibrord to attend a dance. As they were walking a 70-year old man came out of one of the houses. The man was armed with a shotgun and a handgun. The man fired several times at the group who had their backs to him. My daughter Lilla was killed and my daughter Sonla was wounded as she covered Lilla's body. Furthermore a young man was also wounded as he tried to disarm the man.

This cruel and senseless crime has completely effected and altered the course of our lives. My wife was hospitalized with a nervous condition. It's ironic that the savings we were to use to further Lilla's education was used for her funeral.

This man will never pay for his crime nor will the law make him pay. The happiness in our lives will never return and things will never be the same for me or my family. And to add more to my dismay the man has not yet been sentenced.

Never have I favored the present gun control laws, and now that this has happened to me I am motivated to do something to get these present laws changed. For this reason I am writing to you. I can't explain to myself why a person who has committed a crime is given a psychiatric examination after the wrong has been committed. Isn't it much more sensible to give the examination before the gun was bought? Putting a stiff sentence on crimes committed with a gun might discourage the person committing the crime. There are many other things that can be done to control gun related crimes.

It makes me very angry when I think that some gun dealer made money from my misfortune.

Sincerely yours,

VINCENT GUTIERREZ (VINCENT & ELVA GUTIERREZ).

Mr. Chairman, I hope that Congress answers that letter.

Mr. CONYERS. You have put a very heavy burden, as you always do, I must say, upon my colleagues and me. We on the committee approach this with different views, but I think with an openness that you have reflected in trying to find a national solution that will honestly and effectively deal with the problems as posed by the proliferation of handguns.

I am deeply indebted to you, Congressman Mikva, and I have one question that I would like to put to the police chief, which goes to the point of how you cooperate with the Chicago police on this whole question of guns being purchased by Chicago residents when they go to the suburbs, where I understand most of the gunshops are these days.

Do you have any kind of relationship with the police or Federal authorities in this connection?

Chief McHUGH. We have a very close relationship with the city of Chicago.

Also, I believe we have no store within the city of Evanston that sells weapons at this time. As in the past, we have always notified them of anyone who had purchased a weapon within the city of Evanston so that they would have had it for their records.

Mr. CONYERS. Well, that is very good.

I have gotten the impression that the gunshops have moved just out of Chicago as a result of the effective ordinances created within the city, so that we have this problem of citizens who are bringing in somewhere up to a half a million guns, by merely going a few miles out to the outlying areas to purchase them.

I am happy to find that there are so few in your city, if any at all.

Mr. MIKVA. Mr. Chairman, I know this will sound very parochial, but fortunately the northern suburbs have resisted the temptation to get into the gun business.

Unfortunately, these suburbs do exist in other parts of the county and they exist, of course, across the State line and it is very hard for a city like Chicago to enforce its ordinance.

Mr. CONYERS. It certainly is.

Does Evanston have a gun law? If so, does that account for why there are no dealers there or what, would you suggest, is the reason that there are so few?

Chief McHUGH. I can only suggest that we follow the State law, Mr. Chairman.

I don't know what the purpose of the gun dealers moving out is, except that the market isn't too attractive for gun dealers in Evanston.

There aren't that many people who, I believe over the years, have been able to purchase, because of the system that we have, of the cooling off period before and also that they must go through the chief of police in order to get approval to purchase a handgun.

Mr. CONYERS. I yield at this time to Mr. McClory.

Mr. McCLORY. Thank you, Mr. Chairman, and I congratulate you, Mr. Mikva, on your testimony and in providing this very helpful testimony to us this morning.

I don't know that we are going to be able to supply answers to the very stark tragedy to which you made reference, but I might say there are a great many tragedies that occur with regard to a great many instrumentalities and I suppose there are many thousands of tragedies from automobile accidents, even misuse of automobiles that cause this kind of agony to families.

However, I think we should undertake to provide some improvements and some revisions of our gun control legislation. I think we should try to provide for some uniformity.

I think we should provide for some better Federal legislation and guidance and I think that can contribute to more uniformity and better relationships as far as the Federal Government, the State, and community governments are concerned.

I would just ask—Mr. Koek, is it?

Mr. KOEK. Koek, yes.

Mr. McCLORY. Is it your position that you would oppose the sale or possession of handguns by shopkeepers and homeowners? I am not quite sure about that.

Mr. KOEK. We asked the same question that the cab company did: "Do you support the Handgun Control Act of 1975, a bill in the U.S. Congress which prohibits the importation, manufacture, and sale of handguns except for use by the Armed Forces, police, and authorized importers, manufacturers, dealers, and pistol clubs?"

And these were the answers we got from our customers.

Mr. McCLODY. I see. And your position is that you would oppose the possession by homeowners or shopkeepers, of handguns?

Mr. KOEK. I, as an individual, yes.

Mr. McCLODY. Is that the general feeling of all of you gentlemen?

I am just trying to find out.

Chief McHUGH. My position, Mr. McCloDY, is that with the eventual impact of a good law, which will dry up the source, eventually the homeowner will have no need for the gun.

I strongly oppose any overt acts of confiscation by any other than lawful means.

Mr. McCLODY. If that handgun was registered some place and you knew where the handgun was, you wouldn't have any opposition to that kind of legislation with respect to what a person might regard as the right to have the handgun for their own protection?

Chief McHUGH. We have to follow the pretext on which the Constitution is based.

Mr. McCLODY. Thank you.

Mr. CONYERS. My colleague from Ohio, Mr. Ashbrook.

Mr. ASHBROOK. Yes, thank you, Mr. Chairman.

Chief McHUGH, I didn't understand your response to Mr. McCloDY. Does Evanston have a registration ordinance or law?

Chief McHUGH. No, sir, we follow the State law which requires gun owners registration.

Mr. ASHBROOK. All right.

You gave two examples of the misuse of firearms. You said the statute didn't help there. Why do you think a Federal statute would help?

Chief McHUGH. Well, if there is a control on the possession, sale, and distribution of firearms, it would certainly reinforce the importation or rather the transportation of guns interstate for illegal or unlawful use.

Mr. ASHBROOK. Well, if not one more gun went into the State, say, every single gun dried up interstate, you still have enough guns. I would assume, to have a traffic in guns in Evanston, Chicago, and the rest of the State of Illinois.

I guess I just don't see what drying up the interstate sale will do unless you are going to take them away. I really don't see what good it would do.

Chief McHUGH. I equate it pretty much the same as you talk about drug traffic. Mr. Ashbrook.

If you attack the source of supply, I think eventually you will have some impact on the supply that is available to the street person.

Mr. ASHBROOK. You think Federal legislation has dried up heroin and other narcotics trafficking?

Chief McHUGH. I think it has had an impact on it, yes, sir.

Mr. McCLODY. If the gentleman would yield—

Mr. ASHBROOK. Yes.

Mr. McCLODY. The existing law prohibits the interstate sale of guns except by licensed dealers.

There is no right to buy guns interstate under existing law, I don't believe, on the part of an individual. That only can be done by a licensed dealer.

Mr. MIKVA. Bob, if I can act as the police chief's lawyer, you are absolutely right. The problem, of course, is they can go across the State line to Indiana and buy a gun in a gun shop in Indiana and then bring it back to Illinois; unless you are going to search every car crossing the State lines.

Mr. McCLORY. That is a violation of existing law.

Mr. MIKVA. But there is no way of enforcing or policing it.

Mr. McCLORY. We are talking about changing the existing law and I think we ought to understand what the existing law is. I think there is a general feeling that we don't have existing law to prevent the interstate sale of guns.

Mr. MIKVA. We have a cooling off period in the State of Illinois and actually—

Mr. McCLORY. A licensing law?

Mr. MIKVA. And a licensing law as well.

Actually, it is hard to trace where these guns originally come from but the Illinois law has had some impact.

Mr. McCLORY. We need improvement without question.

Mr. CONYERS. Well, this has been a very revealing session on our part and I am glad you brought these people with you, Congressman Mikva.

We are indebted to you for your testimony and also to the fact that you are doing a singularly important job in raising these issues in the community, so that citizens can become more aware of what the primary problems are that we are faced with in shaping some meaningful legislation.

Again, on behalf of the whole committee, I thank you very much.

Mr. MIKVA. Thank you very much.

Mr. CONYERS. Our next witness is going to be the distinguished Congresswoman from the 7th District of Illinois, Congresswoman Cardiss Collins, if she would come forward, please.

I am delighted to welcome her before us. We have served together on the Government Operations Committee in Congress and she is very well known for her deep concern on this subject, and I welcome you and ask you to proceed in any manner you choose.

#### **TESTIMONY OF HON. CARDISS COLLINS, A REPRESENTATIVE FROM THE STATE OF ILLINOIS**

Mrs. COLLINS. Thank you, Mr. Chairman and members of the subcommittee.

I very much appreciate your inviting me to testify before you today and I commend you for the extensive hearings that you are holding and have held and for the boundless energy and time that you have given so that you can proceed in an orderly manner to get out some kind of legislation for gun control in the 94th Congress.

In the brief period of time that I will be here with you this morning, and you have been here now an hour and a half, and roughly four people have lost their lives as a direct result of the use of handguns.

Every 20 minutes somebody dies in this country through handgun use and since there are an estimated 40,000 guns floating around the country—

Mr. CONYERS. Pardon me, don't you mean 40 million?

**Mrs. COLLINS.** Yes, thank you—40 million of these in this country, I am not at all surprised that they account for the deaths of roughly 70 percent of the people who were murdered in 1974.

As you have been told this morning, nearly a thousand of these people died right here in Chicago and over half of their lives were cut down by these guns.

More and more people in my district and all over America are growing sick and tired of this needless slaughter and sick and tired of the fact that Congress isn't moving on this vital issue.

It is time for use to stop sitting down and discussing so much. It is time for us to take action. It is time for us to be united on some front when it comes down to gun control.

I, for one, have not introduced a bill on gun control. I have co-sponsored many.

I have cosponsored most, in fact, but I think that the number of bills is not important. It is what is in those bills that is important.

We have to get rid of the violence that permeates our everyday lives. There is no need for us to tolerate the robberies and assaults from criminals, armed with Saturday night specials, and tolerate accidents and deaths and unpremeditated and intentional deaths caused by these doggoned guns.

I have been reminded by many of the fact that, the sad fact that the family guns which are supposed to protect every member of the family, are often turned on members of the family, six times as often as they are turned on other people who are trying to intrude upon the family's safety.

I believe totally that crime can be brought under control better when we eliminate the easy availability of legally-obtained handguns which find their way into the streets through burglaries, thefts, pawnshops, loans and even sales.

The solution to the problem I believe is a total ban on the sale, manufacture, possession, transportation or importation of handguns in the United States.

The only exception I can see is for use by law enforcement, for the Armed Forces, and for perhaps a few antique dealers.

I think that the mere licensing or registration of guns has proven to be insufficient to deal with the problems today. The gravity of the present situation demands, I think, a total ban.

State laws, even strict ones, haven't solved the problems. Federal legislation is needed because the State laws haven't been enforceable, so long as people can walk across the street, as we have been told, and get these weapons.

A study in New York, I think, is very illustrative. There are many strict local and State regulations on guns, but there are an estimated 1 million still floating around there. Sixty-nine percent of those weapons were traced to original purchases in Southern States who have less strict, stringent legislation.

My people, the people of the Seventh Congressional District, know from sad, firsthand experience, that eliminating handguns is a first step toward reducing crime.

I am reminded of Ab Mikva's statement that he made before you a couple of months ago in which he laid out the scenario of the wild west movie, where all of the people who are set upon by villains, they

all get together, run into their homes and sit there and wait until the good guy, the Lone Ranger or somebody else comes along and rescues them.

On the west side of the city of Chicago, we have the same problem today. It is not a wild west movie. It is a startling reality when, at 4 in the afternoon, before dark, we all run and close our doors and shutters and don't permit our children to go out on the street for fear of crime and we are unwilling to go to church on Sunday morning even, because we are afraid we are going to be stuck up in our cars and we don't have any good guys coming to our rescue except the U.S. Congress.

I think that each of us is assured of the right, in fact, to pursue happiness and liberty, but as long as these handguns are out there, no man has the liberty to pursue his happiness because he is worried about his life.

Thank you. [Applause.]

Mr. CONYERS. Well, that is a very moving statement, Congresswoman Collins.

I am delighted to know that you, even without specifically sponsoring legislation, are representing your constituency in a very direct and forceful way.

I know that you will be giving us the benefit of your views as this subcommittee attempts to honestly address the very pointed problem that you raised.

One of the things that Mayor Daley pointed out is the fact that most of the homicide figures are, ethnically speaking, black; that the blacks are greatest victims of handgun violence in most of the city and I presume that is precisely the case in your district.

Mrs. COLLINS. Yes, it is, unfortunately.

Mr. CONYERS. And that leads you to the conclusion, I take it, that until we begin to dry up this tremendous production wave—that is, this 2.5 million guns being introduced annually into the gun population—there is no way that we can get hold of this problem.

Mrs. COLLINS. That is right.

Mr. CONYERS. You then feel that we should move beyond the Saturday night special prohibition and that we should move to the greater and more inclusive national remedy?

Mrs. COLLINS. Precisely.

Mr. CONYERS. Might I ask if any of my colleagues have any questions or comments to make at this time?

Mr. McClory.

Mr. McCLORY. No, I thank you very much, Mrs. Collins, for the very moving statement that you have presented here this morning, and we will certainly give careful heed to your very strong expressions.

I thank you for taking the time to give us the benefit of your feelings.

Mr. CONYERS. Mr. Ashbrook.

Mr. ASHBROOK. Thank you, Mr. Chairman. I have no questions.

Mr. CONYERS. Mr. Mikva.

Mr. MIKVA. I just want to associate myself with those very impressive remarks.

Mr. CONYERS. Thank you very much, Cardiss.



Our next witness is the State's attorney for Cook County, Mr. Bernard J. Carey, who is also the deputy director of the Illinois Department of Law Enforcement. I note that you are the former under sheriff of Cook County and you have been associated with the FBI, so I know that you have great experience to share with us.

We have your prepared statement, Mr. Carey, which will be inserted, without objection, into the record at this point.

[The proposed statement of Mr. Carey follows:]

STATEMENT BY BERNARD CAREY, COOK COUNTY STATE'S ATTORNEY

The senseless availability of handguns is a major obstacle to the effective prevention of crime. The level of violence that can be directly related to easily accessible handguns has reached a point that demands immediate action. The time for mere outrage and discussion has ended, now is the time for action.

We live in a society in which each of us is dependent on the conduct of others. We can no longer afford the luxury of an easily obtainable, easily available handgun conveniently located in a bureau drawer, without the mere possession of this weapon affecting others.

Those of us charged with enforcing our laws and protecting the right of citizens to be secure in their homes and businesses know too well that a simple quarrel between friends can and often does quickly escalate into death because of the easy access to handguns. Time after time we in the State's Attorney's office are sickened by the kind of cases where a family quarrel ends in tragedy because of the presence of that deadly final argument.

Perhaps the most distressing of all the deaths and injuries resulting from widespread ownership of guns are those in which young people are killed or maimed in accidents. The combination of a young person and a gun must threaten the peace of mind of every parent, teacher, and law enforcement officer. The presence of a gun too often accelerates youthful error into an irreversible tragedy.

Crime is ranked as the most troubling issue in American life today, and the kind of crime that most disturbs Americans is the kind that involves the use of a gun.

Chicagoans, like residents of other urban areas, know too well the devastating effects of the handgun. According to Chicago Police Department figures, firearms were used in 669 or 68 percent of the 970 homicides committed within the city during 1974. Handguns were used in 490 or just more than half of those slayings. The slaughter continues day after day.

Stringent legislation to end the intolerable violence directly linked to handguns is an idea that is often expressed, widely endorsed, yet tragically too little has been done. The need for legislation to control the availability of handguns is urgent.

A handgun is rarely a tool for hunting, and it is an inferior weapon for target shooting. The overriding purpose of a handgun is to kill people. It is sheer folly to argue that people, rather than guns kill other people. A plumber without the simple tools of his trade can do very little to ply his trade. The same can be said of a potential murderer after the primary tool of his trade—the handgun is made more difficult if not impossible to obtain.

The news media editorializes, and we all deplore the rise in the number of murders by handguns that have become almost commonplace in our society. Sympathy and outrage are just not enough. Our lawmakers must direct their concern toward steps that will dry up the supply of handguns.

The stream of unregistered handguns that so frustrates effective law enforcement must be dried-up. It is a problem that cannot be met effectively by State or municipal legislation. A strong law in Illinois can easily be made impotent by no enforceable law in a neighboring State. To have a chance to meet the challenge, law enforcement agencies must have laws that meet the problem in each State. That is possible only by Federal legislation.

State and local officials are daily harvesting thousands of handguns. The need is to prevent the replenishment of the supply. It is urgent that Federal law barring the manufacture, distribution and sale of handguns, except for use by law enforcement officers and duly licensed security personnel, be enacted quickly by our Congress.

**TESTIMONY OF BERNARD J. CAREY, COOK COUNTY STATE'S  
ATTORNEY**

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The news media editorializes, and we all deplore the rise in the number of murders by handguns that have become almost commonplace in our society. Sympathy and outrage are just not enough. Our lawmakers must direct their concern toward steps that will dry up the supply of handguns.

The stream of unregistered handguns that so frustrates effective law enforcement must be dried up. It is a problem that cannot be met

effectively by State or municipal legislation. A strong law in Illinois can easily be made impotent by no enforceable law in the neighboring State. To have a chance to meet the challenge, law enforcement agencies must have laws that meet the problem in each State. That is possible only by Federal legislation.

State and local officials are daily harvesting thousands of handguns. The need is to prevent the replenishment of the supply. It is urgent that Federal law barring the manufacture, distribution and sales of handguns, except for use by law enforcement officers and duly licensed security personnel, be enacted quickly by our Congress.

Mr. CONYERS. I now invite you to make whatever additional comments you would choose to make at this time. Welcome before the subcommittee.

Mr. CAREY. Thank you. Mr. Chairman, and other members of the committee, I speak today with a concern not only for the victims of crime in Cook County, the victims of crimes committed with handguns, but also the victims of accidental shootings with handguns.

In the past I have always supported registration laws for the State of Illinois and when I was associated with the Illinois Department of Public Safety and later the Illinois Department of Law Enforcement, I supported registration laws within the city of Chicago; I supported legislation for the State of Illinois outlawing the Saturday night specials.

However, I feel that while all of these are steps in the right direction, and necessary steps, that the time has come when we must concern ourselves with not only cheap guns but expensive guns and that we must concern ourselves with a national outlawing of the manufacture, importation, transfer, distribution and sale of handguns while avoiding any laws that would outlaw the possession of handguns.

I think that it is quite important that we recognize that handguns, over the years, have not been utilized in activities such as true hunting by sportsmen and that they are not necessarily good target weapons; that their sole purpose has been utilized over the years and statistics bear this out, and we don't have to go into all of these statistics because they have been adequately presented by other witnesses; that there are countless victims of handguns both used in crimes and involved in accidental incidents.

We must take the steps now, but we must always recognize that action taken to regulate, to register, to outlaw handguns will probably not have an effect in the immediate future in law enforcement but this is not to say that we shouldn't take the steps to prepare ourselves for a safer future.

Every one in law enforcement recognizes that when you pass a registration law or a law outlawing guns, that overnight we are not going to see a decrease in the number of crimes being committed with handguns but that has always been used as a successful argument against taking any proper steps to protect us in the future, to protect our children, to protect the future of our country and the necessary steps should be taken and the time is now.

Mr. CONYERS. Thank you very much. You have put the case quite succinctly.

Let me ask you, Mr. Carey, in your official capacity, with respect to the problems that you encounter in terms of the prosecutorial con-

siderations of violations of the gun laws here in Chicago and in Cook County, what approach is taken by your department and how do those prosecutions move forward?

Mr. CAREY. Well, it is quite difficult oftentimes, in enforcing the law under the registration statute, because hundreds of cases are developed by the police departments through the utilization of illegal searches and seizures and therefore these cases do not stand up in court.

Oftentimes, in other cases, we find that the individuals who are arrested and properly arrested and charged under the registration laws, are people who have a legitimate reason, they are shopowners or other individuals who have not really misused their handgun but have merely failed to register their guns.

So it would be quite difficult for me to support mandatory prison sentences for individuals, recognizing that, while there are some legal violations of the law, sometimes the intent is not to violate the law but the intent is to protect one's self as a shopowner, or as a businessman.

Mr. McCLORY. Would you yield, Mr. Chairman?

Mr. CONYERS. I would.

Mr. McCLORY. When you say you would not support mandatory prison sentences for a violation of the gun registration law, you wouldn't include the commission of crimes with the use of a handgun, would you?

Mr. CAREY. No, certainly the commission of a crime with the use of a handgun deserves a good stiff sentence.

However, it has been my experience, as State's attorney, that some crimes calling for mandatory minimum sentences cause more problems than they solve inasmuch as the jury oftentimes, recognizing that there is a mandatory minimum sentence, may take the course of finding one not guilty and acquit them rather than subject them to a long term of the sentence.

We deal not in statistics but with individual cases and every individual case has a different set of facts and circumstances that must be taken into consideration.

Now, these factors can only be heard when the case unfolds in court before the judge and the jury and so, therefore, for that reason, in most instances, I find that it is not to our advantage, from a prosecutor's standpoint, to have mandatory minimum sentences in any type of a crime.

Mr. CONYERS. Well, I think that the point we are all driving toward is the general accusation that the courts won't deal with this problem of prosecuting gun violators and that frequently the prosecutors' offices will not even bring the charge.

In other words, it is a downgraded criminal activity. It is one that is considered to be minimal or peripheral and it is frequently negotiated away.

Mr. CAREY. Well, first of all, when you are talking about the city of Chicago gun registration law, of course, that is an ordinance which would be enforced by the city's corporation counsel's office, and not by our office.

When you are talking about a violation of the State law, that is a law that we do enforce. We will and do enforce it very harshly on an individual purely violating or clearly violating the law.

As we stated many times, the police have no prerogative other than to charge the individual shopowner who may be defending his shop from invasion by robbers, but they find out that the shopowner is not the registered firearm owner under the State law and we find that the judges and the juries are quite properly, somewhat lenient against or with respect to enforcing the law in its entirety against an individual who has no illegal intention.

In hundreds of other cases that come to our attention on a daily basis, the guns are confiscated during the course of illegal searches and seizures and the case is not prosecutable from the standpoint of the evidence, and the evidence is suppressed on a motion prior to the trial of the case.

Mr. CONYERS. Does that suggest that the gun was illegally obtained by the police through improper search and seizure methods?

Mr. CAREY. Not necessarily improper methods, but we are talking about the traffic stop of individuals where a questionable search is made and the gun is found and the individual is charged, but that the stop itself did not, under law, justify an entire search of the car and therefore the gun must be suppressed when a motion to suppress is made and the case cannot be prosecuted on the gun violation.

Mr. CONYERS. Well, that is an illegal search and seizure, is it not?

Mr. CAREY. Yes, but I was differentiating whether it would be an outright attempt to make an illegal seizure where they have a question of intent of the police opposing that as to cases where we have no improper intent by the police, the police who feel that they are properly enforcing the law but it becomes a very thin line decision regarding an illegal search.

Mr. CONYERS. Do you have an inquiry along this line, Mr. Mikva?

Mr. MIKVA. Yes, I do.

Mr. Carey is a very able and distinguished prosecutor and I know that we have all wrestled with this problem of mandatory minimum sentences. We are all unhappy about the fact that existing laws are not enforced as adequately as we would like.

I would like to ask Mr. Carey if you think that a minimum mandatory sentence would help in any event in enforcement.

Would you favor it as a prosecutor?

Mr. CAREY. There may be some areas where they would be legitimate but it has been my experience that in almost every type of crime where there has been an attempt to have a mandatory minimum sentence, it has had a counterproductive effect.

Mr. MIKVA. For example, plea bargaining?

Mr. CAREY. It is not only a question of that but we have individual facts and circumstances and we find out that every case is different.

The facts are always different and a jury weighing a case of that nature, where there is no possibility for any compassion to be shown by the judge or jury, may not find guilt where guilt has been proven but they are fearful of the mandatory sentences and they feel that this case is not one of those cases.

I think that we have to recognize that the judges have to look at individual cases. They are not looking at massive statistics. They are not dealing in abstract situations and while there can be, and there certainly are, abuses of discretion on occasion on the part of the judiciary in not enforcing the full sentence that they should have, we cannot

take away the discretion entirely from the court, from the judiciary and try to run our criminal justice system under a computer method.

Mr. CONYERS. I recognize Mr. McClory.

Mr. McCLORY. A great deal of the complaints that are directed from those who are opposing additional Federal gun control legislation are coupled with the view that the courts are too lenient; that what we should do is get the courts to enforce the existing laws and I have had some inkling that in the city of Chicago and in the Cook County situation, there may be such factors as not enough judges or the facilities are not susceptible to good prosecution.

Maybe the judges are too lenient and they don't seem to be educated sufficiently as to the seriousness of the crimes that are committed with guns and the fact that you get a lot of repeaters, persons who are let go and they have committed serious crimes with guns.

What is your—and, of course, the fact that a great many—there is now the not-prossing of a number of cases.

Now, you have explained that some of those are situations regarding a shopowner that hasn't registered his gun and so on.

What is your overall view as far as the problem that you have as a prosecutor with respect to the enforcement of existing gun laws is concerned?

In what way can we help to overcome that problem?

Mr. CAREY. Well, Congressman, many of the things that you mentioned are quite true.

We have an overcrowded docket, an overcrowded courtroom situation in Cook County.

In the past 2 years alone the number of felony indictments has tripled in Cook County. Felony convictions in 1974 tripled over those convictions in 1972, and there is most definitely a situation where we have an inadequate number of courtrooms to deal with all of the crimes being committed and certainly, the judges, on their part, may tend to take a lenient attitude toward a mere gun control violation as compared to a rape, a murder, or the more serious crimes.

We must have more courtrooms in Chicago. We have been calling for this for the past 3 years. We have seen some increase in courtrooms. We have, in some cases, 250 to 300 felony cases on the docket of a single judge and naturally it is recognized that when a judge has more than 100 cases, it is recognized nationally that it almost becomes impossible for him to do an adequate job of impartially enforcing the law and these are the problems that we also face in Chicago.

Mr. McCLORY. Have you had occasion to use the services of the Treasury Department; that is the Alcohol, Tobacco, and Firearms Division, in which they trace guns through identification of the guns by serial number?

Mr. CAREY. Yes, we have and they do a fine job of that and certainly I would certainly support any Federal registration law because that is a very direct benefit to law enforcement officials, after a crime is committed, for us to be able to determine the ownership of the gun.

It goes without question that that is a benefit to our law enforcement officials.

Mr. McCLORY. In the apprehension, conviction, and prosecution?

Mr. CAREY. Yes, there is no question about that, Congressman.

That would be a tremendous benefit to all of us and we must recognize the mobility of people who do deal in such crimes, such as murder, and that the guns are not all bought and used in the city of Chicago nor are they all registered in the city of Chicago for use in Chicago.

Mr. McCLORY. Is there another element that you see by some supporting legislation by the Federal Government so that we can give the kind of guidance and leadership which would help in enforcing existing gun control laws, municipal ordinances and State statutes and thus reduce the number of guns in the wrong hands?

Mr. CAREY. Yes.

I think that the Federal Government, in taking steps to spotlight these types of crimes so that they can be focused directly on the whole area to make sure that we do not overlook these crimes, or look at them as minor crimes, that might escalate into greater or major crimes in the future but because of the overcrowded numbers or large numbers, this probably has been one of the side effects.

Mr. McCLORY. I want to commend you, Mr. Carey, on your testimony and for your expert, meaningful presentation and I certainly appreciate your coming here this morning and giving us your valuable testimony.

Thank you.

Mr. CAREY. Thank you, sir.

Mr. CONYERS. Before I recognize my colleague from Ohio, there is a point that Mr. McClory raised that I think deserves just a little amplification.

The Chicago Crime Commission has made recommendations in two areas that deal directly with the State's attorney of Cook County and I would like you to just comment on these for the record.

You are probably familiar with this report, "A Preliminary Report on the Enforcement of Gun Laws in Chicago," which was issued in January of this year. Out of some five points, point two is:

That the State's attorney of Cook County take steps to see that assistants assigned to the gun courts are properly purposed and supervised as befits the prosecution of a major criminal act.

And recommendation No. 4 is:

The Superintendent of Police of the city of Chicago and the State's Attorney of Cook County develop a forum to determine why the attrition rate of gun cases, due to technical problems, is as high as it is and to define and implement the measures to reduce case attrition.

Do you find that those are at least valid observations and recommendations that are made by the Commission?

Mr. CAREY. Yes, they are, as far as they go.

I think that I did address myself to the technical problems that are discussed there relative to the improper, illegal searches and seizures of some handguns that makes prosecution not only difficult, but impossible.

Also, we have taken steps, since that report has been issued, to have a supervisor of the gun courts, who is highly trained and very professional and proficient and we have taken greater steps to recognize the importance of this crime and those measures have already been put into full force and effect in our office.



Mr. CONYERS. The gentleman from Ohio, Mr. Ashbrook.

Mr. ASHBROOK. I yield to Mr. Gekas.

Mr. GEKAS. I was going to say that the representative of the Crime Commission will be testifying later this afternoon and will describe that report and a more recent report that they have just completed to us, to the subcommittee.

Mr. CONYERS. Fine.

Mr. Ashbrook.

Mr. ASHBROOK. Thank you.

Mr. Carey, rather than go over old ground, I have been sitting here for 2 hours and I have never heard a positive word said for the gun yet.

I am inclined to think that there must be some areas where, in your experience, the ownership of a gun has prevented crime, has stopped the commission of crime, has stopped a felon.

I have got probably as many as 25 clippings here that indicate many cases; some people used the firearm for self-defense.

I take it we haven't got to the place where we are ruling out the firearms for self-defense, have we?

Mr. CAREY. No, we haven't. I thought I may have made that point, Mr. Congressman, when I stated I would not like to see any type of law that would outlaw the mere possession of a handgun for, or the cases where an individual has the gun in his possession, and he is charged with a crime and, in fact, it might lead to the type of raids or the type of a situation where we would be involving ourselves in living in a police state or a situation where that could be used as an excuse for a raid, to go into a home.

Certainly there have been instances, and I will agree, and I was talking about that in relation to some individuals which we find in court who are charged with the crime, because technically they have violated the law where it has come to the attention of police, in answering a call where an individual is defending his home or his shop, that the individual has not registered his gun under the city law or has not registered himself under the State law.

They do charge the individuals, which they must properly do. We find those individuals also as defendants in court, but we have stated that the courts do take, and rightfully so, a lenient attitude in situations where the individual has not misused the gun but has utilized the gun in his own self-protection.

I agree with that and that is what I am talking about.

Mr. ASHBROOK. I would accept that, obviously if a person is violating the law they should be charged, but moving to another area, where the individual is not using it, for an apparently accepted purpose like self-defense or a shopkeeper who is trying to defend his store or to prevent a robbery; but those who are using a firearm in the commission of a felony.

Would you have any statistics in Cook County, as the State's attorney, as to the number of firearms which have been registered by people who are committing a crime as distinguished from the ownership of the firearm.

Mr. CAREY. Certainly, I understand the point that you are trying to make and that would be quite true.



Mr. ASHBROOK. Quite small or quite true?

Mr. CAREY. Quite true, and quite large.

The individual criminal doesn't obviously register his gun. They obtain unregistered firearms through burglaries and other means that they utilize. However, what I have stated before is, while I don't feel it would be wise to pass a law to outlaw possession, and I also said I recognized the good that would flow from outlawing the manufacture and distribution of handguns, but it would not have an overnight effect in lowering the crime rate.

However, I think that we have taken steps in the right direction to sort of assure ourselves that we are going to have a safer community in which to live in the future and for our children and there are many instances where well-meaning individuals, who do possess firearms for their own protection have seen that accidents have occurred where children have obtained the gun, where the guns have been obtained by those same criminals that we were talking about, during the commission of a burglary of that well-meaning individual's home and that gun, in turn, is utilized in the commission of other crimes.

So it is not just a question of protecting the utilization of handguns by well-meaning individuals. Unfortunately, those same handguns fall into the hands of those who have criminal intent.

Mr. ASHBROOK. Well, I understand that, and it certainly is a valid concern but I think what many people talk about, like Mrs. Collins, who was just here: I think there is a difference between the handgun which is in the neighborhood in the sense of being out on the street, as against a handgun in a home owned by a person who can make a mistake, who can accidentally misuse it, but for all intents and purposes, does not have the intention to illegally use it to maim, to use it for assault, attacking, and so forth.

What in your opinion as a prosecutor—moving the handgun concern outside of the home into the neighborhood, do you see accomplished by legislation of this type?

Would the young people in the neighborhood—I assume by the statistics they are mostly young people—would they then have a traffic in guns just like they have a traffic in narcotics?

Do you honestly feel that legislation would dry up the guns that are being used to commit crimes?

Mr. CAREY. Well, Mr. Congressman, obviously, it wouldn't happen overnight.

There wouldn't be a decrease in the utilization of guns overnight, but we have seen fit to protect ourselves through laws outlawing machine guns and those laws have had a very good effect and had we not had those laws, we would see machine guns still being utilized in the streets of our cities.

Mr. ASHBROOK. But machine guns are utilized by criminals such as the situation in Los Angeles. We have an AK-47 at Wounded Knee, so people who want to use those types of guns are going to get those types of guns.

Mr. CAREY. Those are rare exceptions and it is quite difficult, because of the Federal laws outlawing the traffic in machine guns and automatic weapons; it is very difficult for individuals to obtain these weapons and there was a tremendous decrease historically with respect

to the use of automatic weapons when you compare the 1930's and the 1940's to the present time that certainly there are rare exceptions, as I said.

Mr. ASHBROOK. When you use the word individuals, you are talking about individuals like myself or others, who would obey the law, yes, but if you are talking about individuals who want to have a shoot-out, who want to engage in acts of terrorism, sabotage, or hijacking of airplanes, or whatever their motives might be it probably would not be that hard for them to get a gun even though the 1934 Act outlaws it, and I guess that is what makes me very skeptical about extending the legislation of this type.

The person who wants to get the machine gun now and use it illegally is going to get it and a person like myself will not.

Now, from that standpoint, it seems like the law would penalize me and not the criminal.

Mr. CAREY. Well, I agree with certain parts of what you are saying, and I understand the problem.

However, again, I must insist that from my vantage point in law enforcement, that it is a step that must be taken with the hopes that it is going to have the right effect in the future in the same manner in which we did see the law did have an effect in the outlawing of the automatic weapons.

Mr. ASHBROOK. Except that was confiscation and you do draw the line at confiscation of handguns.

Mr. CAREY. Absolutely.

Mr. ASHBROOK. That was confiscation in the 1934 Act.

Mr. CAREY. We have made a lot of progress since 1934, in the protection of individual rights and I would not like to see us set up any kind of a law that would encourage law enforcement officers to make midnight raids.

Mr. CONYERS. Mr. Carey, as State's attorney for Cook County, you have got your work cut out for you, but I think that you have presented a very balanced statement here and for that the subcommittee is very grateful and also for your appearance here today, sir.

Mr. CAREY. Thank you very much, Mr. Chairman, and all of the members of the panel for the opportunity you have afforded me to express our views.

Mr. CONYERS. You are more than welcome, sir.

Our final two witnesses before we have a break are: Mr. Francis P. Kane, the special assistant to Mayor Daley, who is going to talk with us about gun registration, and who is accompanied by Sgt. Anthony Figlioli, his administrative aide. We have a statement from you, Mr. Kane, and we will incorporate it into the record at this time.

STATEMENT OF FRANCIS P. KANE, SPECIAL ASSISTANT TO MAYOR RICHARD J. DALEY, FOR GUN REGISTRATION

Mr. Conyers, gentlemen of the Congress, I appreciate your invitation to appear before your Committee to explain in outline form the procedures used in the administration of the Gun Registration Ordinance of the City of Chicago and to offer some suggestions for your consideration.

The proposal for the Chicago Gun Registration Ordinance was introduced at a special session of the City Council on January 5, 1968, called at the request of Mayor Richard J. Daley. His purpose was to stop a crime wave which had reached serious proportions among the young people of our city in the wanton use of handguns in shooting and killing and alleged gang wars.

After extensive and lengthy public hearings at which opponents of laws on guns and the proponents who had urged that drastic action be taken were all given an opportunity to be heard, the Ordinance was adopted by the City Council on February 14, 1968 and became part of the Municipal Code of Chicago. The Ordinance became effective sixty days after passage, and, between April 15th and May 15th, all persons were required to register their firearms.

The opponents of the bill urged its defeat on premises that such a bill would lead to a special tax on firearms; that firearms would become the particular prey of burglars because the records would not be kept secure. They continued to repeat that "Guns don't kill, people kill!" They urged that mandatory sentences be legislated for persons found guilty of committing crimes with guns and recommended punitive sentences varying from five to twenty-five years in prison.

The records have been kept secure by order of the Mayor and no tax has been, nor will be, imposed on firearms owners. The legality of mandatory sentences for any type of crime is subject to much judicial and legislative argument and has not yet been determined.

Chicagoans began registering their guns in April, 1968, and during the period established for registration up to and including May 31st, over 323,000 guns were registered. During the intervening seven years, we have had an average of over 3,000 new registrations each month. Registration now is over 560,000 weapons, and increases daily, which includes handguns (revolvers and automatic pistols), long guns (rifles and shotguns) and miscellaneous weapons such as one and two-shot Derringers, starter guns and signal guns. 53% of the registered weapons are handguns.

To insure the widest possible distribution of application forms for registration, Mayor Daley asked the news media, both the Metropolitan Press, Community and Foreign Language newspapers to print a facsimile of the application for registration in their papers and we accepted this form of application. Initially, Registration was on a "No Questions Asked" basis, but subsequently we have enforced that part of the ordinance which requires disclosure of the place and person or dealer from whom the weapon was acquired.

The Ordinance also provides that each seller of firearms within the City of Chicago shall prepare the application form, have the purchaser sign the form and the seller must forward the application to our office.

We met with several committees of local Retail Merchants Associations, many of the larger gun dealers, legal officers from the Pawnbrokers Associations and explained our problem to them. We tried, successfully, I think, to assure them that we are not trying to superimpose unusual administrative burdens upon them.

When this was completely understood, we received excellent cooperation from them and we are continuing to receive that cooperation at present. Handguns are not sold in the City of Chicago unless the buyer has a permit to purchase from the Superintendent of Police. Permits to purchase handguns in Chicago are difficult to obtain except for Law Enforcement Officers. Only 7 permits have been issued to persons to purchase handguns in Chicago since 1968. 375 applications have been denied.

Our gun registration is permanent. The same registration number remains with the weapon regardless of the number of owners that it may travel to, or if it is transferred out of city or state. But the registrant must notify us that he has transferred or sold the gun.

Our registration is free. While the registration process is an added cost to the City, Mayor Daley felt that assessing a fee on gun owners would defeat the purpose of the Ordinance and the costs are absorbed as a part of the police powers and the gun owner should not be assessed.

The Chicago Gun Registration Ordinance was adopted and made effective and enforced before the State of Illinois Firearm Owners License Law became effective. We could not require firearm owners license numbers from applicants. Now we do. The State charges a fee of \$5.00 for a numbered license which is good for five years. The first licenses have now expired and it is necessary to renew the State License and pay a new fee of \$5.00 for the next five years.

Our Gun Registration Ordinance under the Municipal Code of Chicago requires that every weapon which fires a projectile by means of an explosion be registered. If a person lives outside Chicago and has a gun in Chicago, he must register that gun. Registration with the city does not give a person the right nor a permit to carry a gun in Chicago.

As applications are received in our office either through the mail or in person, the application is checked for accuracy and completeness, and, if approved and authenticated then it is processed through the Data Processing Center. It is frequently necessary to call the applicant by phone or write to make inquiries regarding data on the application.

We use uniformed police officers to accept applications in the office of the Department of Revenue because we find that many, many persons bring their guns with them when they register. Many of those persons have their weapons in paper bags or other containers and when they remove them and hand them to the police officer for examination, we find that the weapon may be loaded and cocked and the safeties are disregarded or unknown. Many weapons that come in to our office have barrels so corroded or fouled that the gun would explode if it were fired, and the person with the gun would be maimed or injured. We also find that Chicagoans instinctively turn to uniformed police officers when they need help.

Our applications are compiled in batches, recorded and sent to the Data Processing Center where they are key punched and recorded on computer tape. The applications are returned to us and sent to Xerox for reproduction and reducing to the pocket-sized card which is returned to the individual.

Initially we arranged for a printout from the computer each calendar quarter. The printout consisted of a set of books arranged in alphabetical order by name of registrant; and a set of books in numerical order by serial number of weapons. A complete set was turned over to the Police Department each quarter, with two lines for each person and two lines for each weapon, the number of books becoming unwieldy. In addition, there were two weekly supplementary consolidated books.

Data Processing required almost 50 computer hours to compile the printout. This was an excessive cost and an excessive monopoly of computer time which could have been devoted to other administrative functions. The printout books required excessive office space to make them readily available for answering inquiries from the police officers on the street.

We required a complete computer printout by Registration Number for checking and correcting purposes in our offices as we are continually checking for errors either by the registrant or by key punch in Data Processing. We are busy constantly with telephone inquiries and visits for information.

Continual search for improvements in Data Processing and mechanical operations permitted us to change our facility from computer printout to microfilm. We now take a copy of the magnetic tape from the computer, send it to a commercial firm and convert direct from magnetic tape to microfilm.

The microfilm company splices the microfilm into 60,000 line films in cassettes, alphabetical and numerical, in less than four hours. We save 46 hours of computer time and hundreds of square feet of office space heretofore required for the bound, printed computer printout. The retrieval unit of the computer retains a complete record of all guns registered and supporting data.

We secure 3 complete sets of microfilm prints of 36 cassettes per set—18 are alphabetical and 18 are numerical. Two sets are sent to Police Headquarters and one set is retained in our office. Guns registered between Master prints are processed in the same manner, but there are only two cassettes in each set—one alphabetical and one numerical. Each week the guns registered are consolidated on an up-to-date supplement so that current information is always readily available.

Changes on records are of considerable magnitude. We have recorded 36,587 changes on our records. These are changes of address, name changes, corrected serial numbers, social security numbers and other miscellaneous changes. We have also recorded 46,375 transfers of weapons since our system was started where original owners sold or traded their guns to other persons or to dealers.

While we accepted initial registrations on a "No Questions Asked" basis, we felt that we could not be in the position of registering weapons for persons who should not have them. Therefore, we started a spot check system of checking the validity of registrations.

To date, we have checked 69,500 registrants or about 12.5% of those registered. We have revoked many registrations because of our findings. In those cases, we have directed the persons to turn their weapons in to the nearest police station and the police have followed up to see that the person has disposed of the weapons which he should not have.

We have worked closely with all Federal agencies, particularly the AT&F Unit, FBI, Secret Service, Immigration and others. We have maintained a close relationship with the State of Illinois Police, Sheriff's Police and the Coroner. We have exchanged information with the State of Illinois Firearm Owners License Division and the NCIC of the FBI.

Many suburban gun dealers work closely with us. They issue applications for registration blanks to Chicagoans who buy their guns across the street from Chicago City Limits. Some of the suburban police notify us of Chicagoans who purchase weapons in their cities and towns. They have ten days to register under the Municipal Code. If they fail to register, we send them a letter notifying them that they purchased a weapon, the make, caliber and serial number of the gun, and we usually get a reply. Unfortunately, all suburban gun dealers do not cooperate, and we lack jurisdiction to compel compliance. More comprehensive laws would compel compliance and our records could be more accurate and voluminous.

Once each year we have a microfilm firm bring their cameras to our office and microfilm all registration applications. The company proofreads the film to be sure that no number has been skipped, and if it has, it is spliced on to the end of each cassette so that all numbers are accounted for in their proper sequence.

By City Ordinance one of these copies of the microfilm is deposited with the City Clerk. In the event of necessity we can reconstitute our records within 24 hours.

If the State revokes a license for cause, they notify us and we in turn revoke our registration for not having a State license. If we revoke a license for cause, we notify the State and they in turn revoke the State Firearm Owners License, issued to the same individual.

#### LOST OR STOLEN WEAPONS

One of our first projects after the initial surge of registrations was to try to locate some of the thousands of weapons that were listed as stolen with the Chicago Police Department. With their cooperation, we screened out several thousand where we could not prove a case even if we recovered the weapon. We were able to put some 17,000 stolen weapons on a comparative tape and run it through our computer Gun Registration records. This was a time-consuming effort because of the many different manufacturers of guns (1,100 manufacturers worldwide, not including assemblers), similar serial numbers on various type weapons with different barrel lengths; weapons without any serial numbers and many other obstacles which we encountered.

We were successful in compiling a list of several thousand suspected stolen guns that had been registered. Police officers were sent to the homes of the registrants and many guns were found that did not fit the description of the gun stolen. These were abandoned as lost causes. Several thousand were matched and hundreds were recovered.

Most of the persons with stolen guns gave them up without a struggle and no court suits were filed in protest. Most of these guns were returned to the rightful owner if the rightful owner could prove that he had legally acquired the gun and that the gun was his property, but he had to prove conclusively that he was the lawful owner, had registered the gun and had reported it lost or stolen. If we could not, or if he failed to claim the gun, it was destroyed and so marked on our registration records.

4,731 lost or stolen guns have been recovered and many burglaries and robberies have been cleared up as a result thereof, but this required much intensive investigation by the police.

Our laws require that lost or stolen guns be reported to the police. The police report such losses to us and we mark our records accordingly, so that a police officer who is checking on a gun on the street can determine within minutes if the gun is registered and stolen by calling the "hot desk" where the weapon on the readout is marked as having been reported lost or stolen. We record lost or stolen registered guns by Data Processing.

As of March 31, 1975, 26,862 guns have been reported lost or stolen. 20,285 of those guns have been registered. It is conceivable that more guns have been lost or stolen in Chicago, but it is also assumed that most of those are not registered, which is the reason for not reporting them to the police.

## DESTRUCTION OF WEAPONS

Since the adoption of our Ordinance in Chicago, we have destroyed 67,124 guns up to and including March 31, 1975. These weapons are taken to the Steel Mills by Chicago Police Officers and are thrown into the vats of molten metal and are totally destroyed.

11,532 of those guns were or had been registered.

55,592 of those guns had not been registered.

These weapons come from many different sources.

1. Voluntarily turned in by persons who no longer desire them.

2. Voluntarily turned in by heirs of deceased persons.

3. Voluntarily turned in by persons who report that they found the guns.

4. Impounded by courts at trials and returned to the Police Department.

5. From the Public Administrators of deceased persons.

6. Guns that had been held by the Police Department until a person served his prison sentence. These had been held as evidence in the event of a post-conviction hearing.

## STRENGTHS AND WEAKNESS

Our system is effective in Chicago, for without it the crime rate, armed robbery, murder, suicide and other crimes with guns would conceivably be higher. Recent amendments to our Ordinance have strengthened it, for in the minds of the people a recommended jail sentence has increased our applications to over 4,000 for the month of March. Most of our people support the Ordinance, for Mayor Daley receives many letters each day urging more drastic penalties. However, there are opponents of all gun controls in Chicago.

Our system could be immeasurably improved if suburban gun dealers were compelled by legislation to register guns with a central agency. Knowing to whom they sell guns is insufficient, for they are not required to keep those records for any lengthy period, and no continuous record is required anywhere but in Chicago. The traffic in guns continues unabated and will continue until we are able to acquire effective controls.

Many states and many counties in our country and in Illinois acquire guns from various sources and then trade them to gun dealers for new weapons. The gun dealer will recondition the guns and sell them to the willing purchaser. No governmental agency, including the *Federal Government can be so impoverished that they must conserve funds by selling guns to the general public.* A bill to stop this method of disposing of guns in Illinois was adopted by the State Legislature, but was vetoed by Governor Walker.

I have long advocated that an appeal be made to veterans who have guns stamped **PROPERTY OF THE U.S. GOVERNMENT**, to permit them to turn those guns in as a patriotic gesture if they no longer have need for them. These weapons could be placed in Government arsenals, reconditioned and used as Reserve Stocks for a national emergency. They should not be sold to members of associations merely because they happen to be members of such associations. Other persons owning military weapons should also be encouraged to turn them in.

Discussion of this program was not well received by Governmental people we have talked to some time ago. They felt that the Federal Government did not have facilities nor personnel to recondition and warehouse large numbers of guns.

It seems from our experience that many persons have guns who do not realize the dangerous weapons that they have in their possession. When persons carry loaded, cocked, unlocked weapons in paper bags through the streets of a major city, the problem must be even more serious than we can portray.

Some of the proposed Gun Control Legislation suggests authorizing Pistol or Handgun Clubs where persons would leave their weapons under safeguard. The Club would have range facilities where the gun owner could fire at fixed targets, wall targets or silhouettes.

I would ask that such proposals be reconsidered for many reasons:

1. Cost of complying with reasonable building standards compared to anticipated income would be prohibitive.

2. Cost of security for weapons left on the premises.

3. Handgun owners would be reluctant to leave their guns in a place not readily accessible to them.

4. Supervision of shooters on ranges now leaves much to be desired. The possibility of shooting accidents without rigid supervision is too hazardous. It is

suggested that visits be made to various private handgun ranges for observation of the lack of prudent safety measures.

Compensation suggested to be paid to persons who voluntarily turn in guns should receive more careful analysis. Consider the turning in of zip guns, guns not owned by the person turning them in, guns that have been reported stolen in any jurisdiction, should ballistics tests be performed before payment is made. Fair market value of some guns could reach \$2,000. The average police handgun is selling for \$200.

In any legislation adopted by your honorable body, serious consideration is suggested to:

1. Persons who should be prohibited from owning, buying, lending, renting or possessing weapons.

2. Penalties for violations that are enforceable, and that *will be and can be* used by courts.

3. Disposition of guns acquired from any source, police, sheriff, coroner, courts, should be fully recorded at a central location similar to NCIC, and the jurisdiction where the gun came from should be notified to correct their records accordingly. Disposition must be total and not left to the judgment of any person. It should be spelled out in the law.

4. Antique weapons are classified as those manufactured prior to 1898. But a 200-year-old gun is as deadly as it was 200 years ago.

5. All law enforcement agencies should be required to use the NCIC for reporting lost or stolen weapons.

6. Gun manufacturers should be required to adopt a code for serially numbering their weapons so that duplications could not occur.

7. The Eisenhower Commission guessed that there were 90,000,000 guns in the U.S., but they admit that they did not consider the weapons brought back by servicemen.

The President of the NRA guessed at 200,000,000. Senator Stevens of Alaska guessed there are 300,000,000.

8. How many are there?

## EXHIBITS

### NEW REGULATIONS PRESCRIBED TO GOVERN REGISTRATION OF FIREARMS

ORDINANCE PASSED ON JANUARY 30, 1968

(Published in Journal of the Proceedings on February 14, 1968)

(Effective April 15, 1968)

(Amended January 27, 1971)

(Published in Journal of the Proceedings on February 12, 1971)

(Effective February 23, 1971)

*Be It Ordained by the City Council of the City of Chicago:*

SECTION 1. The Municipal Code of the City of Chicago is hereby amended in Chapter 11.1 by inserting in Section 11.1-1 the language appearing in Italics below:

11.1-1. *All firearms located in the City of Chicago shall be registered in accordance with the provisions of this Chapter. Any seller of firearms, other than a manufacturer selling to a bona fide wholesaler or retailer or a wholesaler selling to a bona fide retailer, shall keep a register of all such firearms sold or given away, and shall keep an inventory of all firearms in stock, which inventory shall list the wholesaler or other source of acquisition of the firearm and the date of acquisition by the seller. (as amended January 27, 1971)*

11.1-2. Such register shall contain the date of the sale or gift, the full name, address, age, physical description and occupation of the person to whom the firearm is sold or given, the price of the firearm, the kind, description and serial number or other identifying marks of the firearm, the purpose for which it is purchased and obtained, the permit number, and other relevant information deemed necessary by the City Collector.



11.1-3. Such seller on demand of a police officer shall produce for inspection the register and inventory and allow such police officer to inspect such register and inventory and all stock on hand.

11.1-4. At the time of sale the seller shall complete a registration form, designed or approved by the City Collector, which shall contain the date of the sale or gift, the full name, address, age, physical description and occupation of the person to whom the firearm is sold or given, the price of the firearm, the kind, description and serial number or other identifying marks of the firearm, the purpose for which it is purchased and obtained, the permit number, and other relevant information deemed necessary by the City Collector.

11.1-5. At such time of sale the seller shall witness to the best of his knowledge that the information submitted on the registration form by the purchaser is true and correct and that the transaction is not in violation of law.

11.1-6. The completed registration form, signed by both the seller and the purchaser, shall be mailed by the seller to the office of the City Collector no later than 48 hours after the sale.

The Municipal Code of the City of Chicago is hereby amended in Chapter 11.1 by striking from Section 11.1-7 the language set out in brackets below and inserting therein the language appearing in *Italics* below:

11.1-7. Every person after purchasing or otherwise acquiring a firearm from any person other than a [licensed] firearms dealer *licensed by the City of Chicago under this Code*, shall, within 10 days of the purchase or other acquisition, provide the City Collector with the information stipulated in Section 11.1-8 of this Chapter on a registration form designed or approved by the City Collector. *The burden of proving any firearm was acquired within such 10-day period shall be upon the person charged with failure to register such firearm.* [If the purchase or other acquisition of the firearms precedes the effective date of this ordinance the person shall register the possession of a firearm with the City Collector on forms designed or approved by the City Collector within 30 days after the effective date of this ordinance.] (as amended January 27, 1971)

11.1-8. The City Collector shall forward to every purchaser, recipient, or possessor of a registered firearm a registration certificate within 30 days of registration. The certificate shall state the full name, address, age, physical description of the registrant, the kind, description, and serial number or other identifying marks of the individual firearm to which it applies, which will not be transferable and shall be carried simultaneously with the firearm and shall be exhibited to any police officer upon his demand for inspection. Registration shall not make lawful the carrying or possession of a firearm if prohibited by any other law. The registration provisions of this Chapter shall not apply to manufacturers, transporters or wholesale or retail sellers of firearms or those persons with exempt status pursuant to subsections (a) (1), (a) (2), and (a) (3) of Section 24-2 of the Illinois Criminal Code.

11.1-9. The City Collector may investigate and verify all statements in the registration form and reserve the right to refuse registration of the firearm if the registrant is in violation of any provision of this Chapter. Any applicant who believes that his application is wrongfully refused may appeal to the Mayor the propriety of said refusal. Upon the filing of such appeal, the Mayor shall cause a hearing to be held and based upon the evidence contained in the record of such hearing, either affirm or reverse the decision of the City Collector. The action of the Mayor shall be subject to Judicial Review in accordance with the provisions of the Administrative Review Act.

11.1-10. Any change in registration must be effected on a form prepared by the City Collector. In addition, the new registrant shall register the firearm in accordance with the provisions in this Chapter for registration. The City Collector shall be notified on a form provided by him of any liquidation or other disposition of a registered firearm.

11.1-11. Any person who has registered or attempted to register pursuant to this Chapter shall deliver to the Chicago Police Department every firearm owned or possessed by him, within 10 days after his receipt of notice that the City Collector has refused to register or has revoked registration because of a disqualified application or applicant.

11.1-12. The City Collector shall deliver to the Chicago Police Department and to the sheriff of Cook County, one of the completed duplicate application forms for every registration. The Chicago Police Department shall maintain an index of every application and registration which shall include the name and



residence of every applicant, the descriptive data of every firearm, the dates of application and issuance, and the purpose for each registration.

11.1-13. Within 10 days after sale or discovery of theft or other disappearance of the registered firearm, the registrant shall report the fact of such sale, theft or disappearance to the Chicago Police Department and to the City Collector on a form provided by him.

11.1-14. For the purposes of this Chapter the term "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

11.1-15. Any person under 18 years of age, any narcotic addict, any person who has been convicted of a felony under the laws of this State or any other jurisdiction within 5 years from release from penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and any person who has been released from a mental institution or from the custody of the Illinois Youth Commission within the last 5 years, or is mentally retarded, and any person who possesses any firearm, the possession of which is prohibited by any State or Federal law relating to weapons or firearms, shall be ineligible to register pursuant to this Chapter. Any purported registration by any of the above-described persons shall be null and void.

11.1-16. A person may not possess or harbor any firearm, whether concealed or not concealed, if such person is ineligible to register such firearm with the licensing authority pursuant to the provisions of this Chapter.

The Municipal Code of the City of Chicago is hereby amended in Chapter 11.1 by inserting in Section 11.1-17 the language appearing in *italics* below and striking out language set out in brackets below:

11.1-17. Any person who violates any of the sections of this Chapter shall [be fined \$500.00.] *upon conviction thereof be punished by a fine of not less than \$100.00 nor more than \$500.00 for the first offense and not less than \$300.00 nor more than \$500.00 for the second offense and shall be punished as a misdemeanor for each subsequent offense by incarceration in the county jail for a term not to exceed six months under procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code (Ill. Rev. Stat. 1969, ch. 24, par. 1-2-1.1) as amended, or by both fine and imprisonment.* (as amended January 27, 1971)

SECTION 2. This ordinance shall be in full force and effect from and after ten days after its passage and due publication.

[Journal—City Council—Chicago, Feb. 28, 1975]

#### COMMITTEE ON POLICE, FIRE, CIVIL SERVICE, SCHOOLS AND MUNICIPAL INSTITUTIONS

#### Chapter 11.1 of Municipal Code Amended Relating to Registration of Firearms.

The Committee on Police, Fire, Civil Service, Schools and Municipal Institutions submitted the following report:

CHICAGO, February 28, 1975.

To the President and Members of the City Council:

Your Committee on Police, Fire, Civil Service, Schools and Municipal Institutions, to which was referred (January 14, 1975 page 10108) an ordinance signed by Honorable Richard J. Daley, Mayor, amending the provisions of the Municipal Code of Chicago which relate to the registration of firearms, begs leave to recommend that Your Honorable Body pass the said proposed ordinance, which is transmitted herewith.

This recommendation was concurred in by 10 members of the committee, with no dissenting votes.

Respectfully submitted,

(Signed) EDWARD M. BURKE,  
Chairman.

On motion of Alderman Burke the proposed *amendatory* ordinance transmitted with the foregoing committee report was *Passed*, by yeas and nays as follows:  
Yeas—Aldermen Roti, Kenner, Evans, Despres, Sawyer, Cousins, Adduci, Vrdolyak, Blandic, Kwak, Madrzyk, Burke, Lawlor, Langford, Shannon, Hines, Fitzpatrick, Kelley, Stewart, Stemberk, Rhodes, Marzullo, Zydlo, Ray, Washing-

ton, Cross, Gabinski, Sande, Frost, Laskowski, Aiello, Casey, Cullerton, Laurino, Pucinski, Natarus, Singer, Simpson, Fifeiski, Cohen, Hediund, Stone—42.

*Nays—None.*

Alderman Natarus moved to *Reconsider* the foregoing vote. The motion was *Lost*.

The following is said ordinance as passed :

WHEREAS, Violent crimes, including murders, armed robberies, rapes and other serious offenses against the person occur with increased frequency in the City of Chicago; and

WHEREAS, The possession and use of firearms is found to provide the means for the commission of the vast majority of these violent offenses; now, therefore,

*Be It Ordained by the City Council of the City of Chicago:*

SECTION 1. The Municipal Code of Chicago, Chapter 11.1 is hereby amended by deleting in their entirety existing Sections 11.1-16 and 11.1-17 and by substituting therefor new Sections 11.1-16 and 11.1-17, as follows:

11.1-16. A person may not possess or harbor any firearms, whether concealed or not concealed, if such person is ineligible to register such firearm with the licensing authority pursuant to the provisions of this Chapter and possession of unregistered firearms by any person shall be a misdemeanor.

11.1-17. Any person who violates any of the sections of this Chapter shall upon conviction thereof be punished by a fine of not less than \$100.00 nor more than \$500.00 for the first offense and not less than \$300.00 nor more than \$500.00 for the second offense and shall be punished as a misdemeanor for each subsequent offense by incarceration in the county jail for a term not to exceed six months under procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code (Ill. Rev. Stat. 1973, ch. 24, par. 1-2-1.1) as amended, or by both fine and imprisonment, except, however, that any violation of Section 11.1-16 shall be a misdemeanor punishable by incarceration in the county jail for a term not less than ten days and not to exceed six months.

SECTION 2. That this ordinance shall be in force and effect and after its passage.

STATE OF ILLINOIS DEPARTMENT OF LAW ENFORCEMENT Bureau of Identification Firearm Owner's Identification FEE \$5.00		ILLINOIS DEPARTMENT OF LAW ENFORCEMENT Firearm Owner's Identification																	
		<table border="1"> <tr> <td colspan="2">PRINT LAST NAME</td> <td>EXPIRES</td> <td>NUMBER</td> </tr> <tr> <td>FIRST</td> <td>MIDDLE</td> <td></td> <td></td> </tr> <tr> <td colspan="2"></td> <td>DATE OF BIRTH</td> <td></td> </tr> <tr> <td>MO</td> <td>DAY</td> <td>YR.</td> <td></td> </tr> </table>		PRINT LAST NAME		EXPIRES	NUMBER	FIRST	MIDDLE					DATE OF BIRTH		MO	DAY	YR.	
PRINT LAST NAME		EXPIRES	NUMBER																
FIRST	MIDDLE																		
		DATE OF BIRTH																	
MO	DAY	YR.																	
1. Enter F.O.I. Number. (If none, write "None")		RESIDENCE STREET ADDRESS																	
2. Enter Social Security Number. (If none, write "None")		CITY OR TOWN COUNTY ZIP CODE																	
3. Enter Drivers License Number. (If none, write "None")		<table border="1"> <tr> <td>SEX</td> <td>HEIGHT</td> <td>WEIGHT</td> <td>COLOR HAIR</td> <td>COLOR EYES</td> </tr> <tr> <td></td> <td>FT.</td> <td>IN.</td> <td></td> <td></td> </tr> </table>		SEX	HEIGHT	WEIGHT	COLOR HAIR	COLOR EYES		FT.	IN.								
SEX	HEIGHT	WEIGHT	COLOR HAIR	COLOR EYES															
	FT.	IN.																	
4. Enter any other name you are or have been known by.		CAUTION This card does not permit bearer to unlawfully carry or use firearms.																	
ALL APPLICANTS MUST SHOW WRITTEN SIGNATURE →		WRITTEN SIGNATURE																	
All applicants must answer questions 5 through 9 "yes" or "no." Applicants under age 21 must answer questions 10 and 11 "yes" or "no."																			
5. Have you been convicted of a felony under the laws of this State or any other jurisdiction within the past 5 years?																			
6. Have you been confined to a penitentiary within the past 5 years?																			
7. Have you been a patient in a mental institution within the past 5 years?																			
8. Are you addicted to narcotics?																			
9. Are you mentally retarded?																			
Applicants under 21 must answer Questions 10 and 11 and obtain written signature of parent.																			
10. Have you been convicted of a misdemeanor other than a traffic violation? (See Note #1 on back)																			
11. Have you been adjudged delinquent? (See Note #1 on back)																			
I hereby give my consent for this applicant to possess firearms and firearm ammunition in accordance with the law and state I am not a person prohibited from holding a Firearm Owners Identification Card																			

SIGNATURE OF PARENT OR GUARDIAN (SEE NOTE #2 ON BACK) \_\_\_\_\_ RELATIONSHIP \_\_\_\_\_

I hereby solemnly swear (sincerely affirm) that the information contained in this application is true to the best of my knowledge.

ALL APPLICANTS MUST SHOW WRITTEN SIGNATURE → \_\_\_\_\_ WRITTEN SIGNATURE \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_

NOTARY'S ADDRESS \_\_\_\_\_

(SEAL)

## INSTRUCTIONS

1. Submit complete, notarized application, photograph and \$5.00 check or money order. The law allows 30 days to process the application and issue the identification card.
2. Fill in all required information and answer all questions. Do not write in space marked "Expires" or "Number."
3. Type application or print legibly with black or dark blue ink. Incorrect or incomplete applications are unacceptable and will be returned to the applicant.
4. Submit a recent clear black and white head and shoulder photograph approximately 1½" by 1¼" in size. Print name on back.
5. Sign application on front of form in two places indicated by red arrows. Both notary public signature and seal must appear on the application.
6. Attach photograph and remittance to application with paper clip. Make remittance payable to: **Firearm Owners Identification.**
- 7 **Mail to: Firearm Owners Identification**  
1035 Outer Park Drive West  
Springfield, Illinois 62704



## NOTES

1. If answer to either Questions 10 or 11 are "Yes" send letter of explanation or copies of official records covering the misdemeanor incident. Our interest is dates, charges, conviction, penalty and Court of jurisdiction.
2. Spouse signing as sponsor must be 21 years of age and must furnish date of birth to verify.

FOID 1.2

## FOR OFFICE USE ONLY

## APPLICANT: DO NOT WRITE IN THESE SPACES

-O-	-M-	-E-	-V-	-R-	-F-
-----	-----	-----	-----	-----	-----

**MAIL TO**  
**GUN REGISTRATION**  
**DEPT. OF REVENUE**  
**CITY HALL**  
**CHICAGO, ILL. 60602**

TYPE or PRINT

Use Black Ink

CITY GUN REGISTRATION NO. \_\_\_\_\_

DATE REGISTERED \_\_\_\_\_

(DO NOT WRITE ABOVE THIS LINE)

Firearm Acquired Month Day Year		Serial Number	Model	Caliber/Gauge	Barrel Length
Make or Manufacturer		1 <input type="checkbox"/> REVOLVER 2 <input type="checkbox"/> RIFLE	3 <input type="checkbox"/> SHOTGUN 4 <input type="checkbox"/> AUTO. PISTOL	5 <input type="checkbox"/> OTHER	Illinois Firearm Owner's License Number
<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE	<input type="checkbox"/> ORGANIZATION CLUB or ASSN.	DATE OF BIRTH Month Day Year	PERSONS WHO ARE UNDER 18 YEARS OF AGE—SUBJECT TO NARCOTICS—MENTALLY RETARDED—CONVICTED OF A FELONY OR RELEASED FROM PENITENTIARY OR JUVENILE INSTITUTION OR ILLINOIS YOUTH COMMISSION IN PAST FIVE YEARS ARE INELIGIBLE TO REGISTER. I CERTIFY THAT I HAVE ANSWERED ALL QUESTIONS TRUTHFULLY AND CORRECTLY. I AM NOT INELIGIBLE TO REGISTER. FALSIFICATION PENALTY THIS NULL AND VOID AND SUBJECTS ME TO A PENALTY OF \$500.00.		
OWNER'S NAME (Last) (First) (Middle)		CITY AND STATE			
STREET ADDRESS		ZIP CODE			
CITY AND STATE		SIGNATURE _____ DATE _____ (COMPLETE THE REVERSE SIDE)			
PHONE NO.		SOCIAL SECURITY NO.		DRIVER'S LICENSE NO. & ISSUING STATE <input type="checkbox"/> ILLINOIS <input type="checkbox"/> OTHER	

CZ354 REV. '74.

## ACQUISITION DATA

It will assist us in maintaining the accuracy of Gun Registration Records if you will complete the following:

GUN WAS ACQUIRED BY ME ON Date	GUN OBTAINED BY <input type="checkbox"/> PURCHASE <input type="checkbox"/> GIFT <input type="checkbox"/> TRADE
HAS WEAPON BEEN REGISTERED IN CHICAGO?	Previous Registration Number if known <input type="checkbox"/> YES <input type="checkbox"/> NO REGISTRATION NO.
GUN WAS ACQUIRED FROM	
NAME (Last) (First) (Middle)	
STREET ADDRESS	
CITY & STATE	
PURPOSE FOR ACQUIRING GUN:	

Mr. CONYERS. Now, I welcome you before the subcommittee to further elaborate in terms of the special and unique registration provisions that obtain here in the city of Chicago.

Welcome, again.

**TESTIMONY OF FRANCIS P. KANE, SPECIAL ASSISTANT TO MAYOR  
RICHARD J. DALEY FOR GUN REGISTRATION**

General KANE. Thank you, Mr. Conyers.

I want to express my appreciation to you for the invitation you extended to me and my associate, Sgt. Tony Figlioli, to appear before your committee. We have had the opportunity on several occasions to discuss the objective of your committee with distinguished attorneys of your staff, Mr. Barboza and Mr. Gekas. I feel confident that they will be able to suggest to you any important information that I may inadvertently neglect.

On February 13, 1968, Mayor Daley appointed me as his special assistant in charge of gun registration for the city of Chicago. With the able help of Sgt. Figlioli of the Chicago Police Department and many members of various other city agencies, as well as gun experts in the police department, we organized a staff and prepared to administer the gun registration ordinance. If, as, and when adopted by the Chicago City Council. Mayor Daley granted us wide latitude in the organizational process and his directions and counsel are invaluable.

A fairly detailed outline of our processing and recording of the thousands of incoming applications is included in the statement which I have presented to you. We have included details on our search for lost or stolen guns among those registered. We have included an outline of the recovery of 4,731 registered stolen guns and their return to the rightful and legal owners. We have included details on the destruction of 67,184 guns by the police department since the inception of the ordinance and the methods we use in maintaining those records.

As of Monday, April 7, there were 560,550 guns registered in Chicago. Inasmuch as we have records substantiating our figures, we can show that 55,592 unregistered guns were destroyed in Chicago. Therefore, we feel that 90 percent of the guns in Chicago are registered. With the mobile population in any large city, the goal of 100 percent registration has not yet been attained, but we shall continue trying.

With the publicity that Chicago gun registration has received nationally and the forthright position that Mayor Daley has announced on many occasions, we have had inquiries and visitations from many local jurisdictions and from as far away as Hawaii on the administration of the ordinance and its provisions. We have replied to every inquiry and sent them all the information they requested. We feel that we may have assisted them to start similar programs.

It was never suggested that gun registration would stop all crimes with guns. The crime rate has risen in Chicago, but it has risen in every other city, large and small. We do think that without the present ordinance, the rate in Chicago would be much higher because we have reduced the availability of guns by registration and destroying so many thousands of weapons.

We have worked closely with all local law enforcement officers and with the law enforcement agencies of the Federal Government, and I must inform you that the cooperation we have received from governmental officers has been superb. The A.T. & F. unit has been especially helpful. They have done much to assist us when problems arose which were beyond the scope of our authority.

Security of the records has been a paramount issue which concerned those opposed to the ordinance. We have kept the records secure in the face of condemnatory editorials in the metropolitan press. The only time records will be produced for public scrutiny is by a subpoena issued by a court. That has occurred and when it does, one of our men takes the record to court and testifies regarding the accuracy of the record. No so-called fishing expeditions are permitted in our records, but we will answer requests for specific information by law enforcement officers.

In your invitation you asked that I describe to you some of the weaknesses of our ordinance. Mayor Daley has asked that the ordinance be amended on two occasions. The amendments were adopted and the amendments helped to strengthen enforcement potential.

Another weakness in our program is that our jurisdiction lies wholly within the city limits of Chicago. We have no authority to compel compliance with suburban officials. Many suburban people support our program as well as suburban police officials and gun dealers.

We receive reports of guns purchased in suburbs by Chicagoans. Many dealers supply the purchaser with gun registration application blanks and the prospective purchasers must, in some cases, obtain a permit to purchase from the local police. If the gun is not registered with us within 10 days, we notify the purchaser of his failure to register and he usually complies.

Your committee faces a difficult task, but I would suggest for your consideration some avenues to explore and consider, with your usual deliberate analysis:

1. Any gun control legislation must be national in scope and purpose.

Opponents of gun laws say: "Enforce the 20,000 laws now on the statute books." Perhaps there are 20,000 laws, but most of them are local in character and would not be enforceable in adjoining or neighboring jurisdictions.

2. Some proposals suggest paying a bounty for the voluntary turn-in of weapons.

This should be approached cautiously and lessons learned from previous experiments should be considered. For example, some enterprising young people can make zip guns. Other persons could turn in lost or stolen guns and some could turn in guns wanted by law officers.

3. Some proposals would approve organizing pistol clubs. The success of these clubs as aids to gun control is questionable.

4. We suggest that the Government arsenals stop the sale of weapons to individuals regardless of whether those weapons are or are not serviceable. Such weapons should be destroyed.

5. Veterans of all wars have brought home their own or captured weapons. Many of the veterans and their descendants would return those weapons to Government arsenals as a patriotic gesture.

We are pleased to be here and we offer you any assistance that we can render to aid you in your fact-gathering and in your deliberations.

Mr. CONYERS. Thank you very much.

My first question to you, sir, is: How does the State law complement or supplement the registration requirements in the city?

Is that license from the State required preliminarily or not?

General KANE. The license from the State is required by any person who owns a gun or any person who is contemplating the ownership of a gun.

On our registration applications we will not register a gun where the registrant or applicant does not have a State license.

Sometimes he says he has applied for the license and we will withhold the issuance of a certificate, we will hold it in abeyance until he receives his license number from the State and then we affix it to his application and we have the State registration number on the application.

Mr. CONYERS. Is it true that there have been very few permits given out here in the city; that they are very severely restricted as to the number issued?

General KANE. The purchase of handguns in the city of Chicago is not permitted without a permit from the superintendent of police.

I think seven such permits have been issued to other than law enforcement officers within the past 6 or 7 years.

Mr. CONYERS. And that is a result of conscious policy in terms—

General KANE. Of the ordinance.

Mr. CONYERS. In terms of the intent of the ordinance?

General KANE. That is right.

Mr. CONYERS. Finally, let me ask you to explain why in a 50- to 70-mile radius of the city of Chicago, there are 1,116 federally licensed dealers but only about 180 federally licensed dealers in the City?

What are the implications of those statistics?

General KANE. Well, if we may go back a few years, when I had the opportunity to try and determine where the guns were then in the city of Chicago, we found that there were over 700 dealers in Chicago.

With the advent of the city gun registration and other legislation, the 1968 Gun Control Act, the number of dealers in Chicago reduced to the present figure of about 110.

Of those dealers, they have Federal licenses but they are not necessarily persons who sell guns to anyone who visits them. They have a dealer's license from the Federal Government and they may be gun collectors, gun fanciers, they may own western type revolvers only. They may own only automatic pistols.

The sales from those people, I would imagine, would be less than five perhaps a year and that would only be to another gun dealer or gun fancier.

Mr. CONYERS. To restate, then, there is a permit required by the city of Chicago for anyone that wants to purchase a handgun.

Further, there is a license requirement from the State of Illinois which would be preliminary to a permit and there is also a registration requirement connected with the possession of handguns or long guns.

General KANE. In Chicago, yes.

Mr. CONYERS. In Chicago.

General KANE. Yes.

Mr. CONYERS. So that there are two city ordinances and one State requirement operating on gun possession and ownership here in the city.

General KANE. Yes, on gun possession and ownership, but then there are other licenses required by gun dealers for example.

Mr. CONYERS. Yes, I was referring strictly to individual purchasers.

General KANE. Individuals, yes, that is right.

Mr. CONYERS. And the problem notwithstanding all the merits that may be involved in these schemes, is that, of course, they can be overcome by merely moving—merely purchasing in the suburbs and failing to register the gun or by going outside of the jurisdictional limits.

General KANE. That is right.

Mr. CONYERS. I think this 90-percent figure perhaps may be a bit optimistic on your part. I don't know how you prove it, or how I would prove it, but I came here in all honesty, thinking that about half the guns in Chicago were registered and about half of them were not registered.

I presume that you, by this testimony have something to disabuse me of that notion.

General KANE. Well, I would hope so, but let me give you some background, Mr. Chairman.

When we first attempted to adopt the gun registration law in Chicago, I contacted rifle clubs, rifle associations, retail merchants associations, to try to determine the number of guns that had been sold in the city of Chicago to Chicagoans.

I found it was impossible to find any facts and figures that we could use to make a decent projection on the number of guns in Chicago. There is no figure that can be presented to you that can really be classified as an estimate, because an estimate has to be based on some known facts.

These are all guesses and as you very wisely point out, my guess of 90 percent being registered is strictly a guess and it is not an estimate.

Mr. CONYERS. Well, that is as candid a statement as we can get on the subject.

I yield to Mr. McClory.

Mr. McCLORY. Well, thank you very much, Mr. Chairman.

I want to recognize that General Kane is not only distinguished as far as his service to the city of Chicago is concerned, but also in State and national service as former commanding general of the Illinois National Guard, and we are glad to have you in this very important post that you now occupy.

I wonder, General Kane, if you have any information as to the percentage or the number of guns that are registered guns that are used in connection with the commission of crimes in the city of Chicago.

The persons that are arrested for assault with a deadly weapon, murder, or even possessing or carrying a concealed weapon unlawfully, whatever the defense might be; now, what percentage of those guns that are used in connection with those crimes are registered?

General KANE. I can't give you any facts nor figures on that, Congressman. But in my statement, I point out that some 67,000 guns have been destroyed by the city of Chicago since the adoption of this ordi-

nance. Fifty-five thousand of those unregistered. Twelve thousand had been registered guns.

Now, that is not meant to intimate that all of those 12,000 guns were confiscated by the courts as having been used during the commission of a crime, because many of the guns have been voluntarily turned in by the descendants of those persons who had registered them.

So what the actual figure would be on registered guns, I can't tell you. However, you will see in my statement, too, that the mere fact that we accept registration by mail, we do not accept the fact that every person who submits an application for registration is a law-abiding citizen.

We do spot check those applications through records available to us and we have found that criminals do register. One man we had several years ago had been convicted of murder and he had served his time, that he had led an exemplary life from the time he was released from the penitentiary. He came within the provisions of the law and we did register his weapon.

Mr. McCLORY. Now, the licenses that are issued by the city, are they in addition to the Federal licenses? I mean, a dealer gets a dealer's license and he is approved as far as the Federal Government is concerned. He nevertheless has to have a city license, doesn't he?

General KANE. Only if he is a retail dealer.

Mr. McCLORY. I see.

General KANE. If he has premises available where persons off the street can walk in, then he is classified as a retail dealer and he must secure a license, from the Department of Revenue.

Mr. McCLORY. One of the abuses that we find in the Federal law, in the existing law, is that persons will secure a Federal license and maybe they will just market a few guns. They may market guns into the wrong channels or they may be trafficking in the so-called Saturday night specials, which the legitimate gun dealers would not deal in.

Do you have any of those instances indicated?

General KANE. Well, we have suggested to Federal officials, that the term "dealer's license," in the Federal firearms law is really a misnomer except for those people who are actually engaged in the retail sale of firearms.

Any dealer who is actually a collector and sells less than five guns per year really should not be classified as a dealer.

Mr. McCLORY. Right.

General KANE. He should be classified as a collector.

Mr. CONYERS. Would you yield on that point?

Mr. McCLORY. Yes.

Mr. CONYERS. Couldn't it just as easily be 100 guns?

Five guns a year isn't very significant trafficking, would you say?

General KANE. It is not and that is why we—

Mr. CONYERS. People could purchase five guns for their own use.

I have been given to understand that a gun buff frequently purchases more than one; that is, two or three guns at a time.

General KANE. Well, we would have to set an arbitrary figure on when is a retail dealer a retail dealer, depending upon the number of guns sold over the period of a year.

Mr. McCLORY. We should tighten that up.

General KANE. Yes.



Mr. McCLORY. You have given consideration to a sort of package proposal. It is not a bill, that I have introduced, and a lot of people are under the misapprehension that I have reduced some far-reaching bills, but it is a proposal which includes the outlawing of the so-called Saturday night specials; Federal registration of handguns, beefing up the penalties or imposing mandatory penalties for those who commit crimes with guns, expanding LEAA so that the LEAA, this Federal agency, can give support to local and State agencies and a few other agencies like that.

Have you given a study to that overall proposal?

General KANE. Yes, I have, and I want to compliment you on it. I think it is a very fine bill. I think it indicates a great amount of study before the bill was suggested or proposed.

Mr. McCLORY. Would that legislation aid you, for instance, in the city of Chicago, in the enforcement of the criminal laws and in the prosecution of, especially those that commit crimes with guns?

General KANE. Well, with some additions, I think it would be very helpful. The additions would be on the persons authorized to register. I would include narcotics addicts, known alcoholics, and juveniles. These should be prohibited from registering firearms.

The compensation to be paid for handguns voluntarily turned in.

No rules for such acceptance, for the acceptance of such guns are included in the bill, and I think that tests should be made of some of the weapons and the thought of paying \$25 or the fair market value of a gun should be restudied, because you can't get much of a gun for \$25.

The average cost of a police officer's service weapon now is about \$200, and we have had guns voluntarily turned in for destruction with a value—where the value has been anywhere from \$1,000 to \$2,000.

So I feel that you would not have any person turning in guns like that for \$25.

Mr. McCLORY. Have you prepared a written statement, commenting on my proposed legislation?

General KANE. I have some notes here which were not submitted with my statement.

Mr. McCLORY. Would you mind reducing it to writing, and then furnishing the committee with the benefit of your views?

General KANE. I would be happy to.

Mr. CONYERS. If it is not going to inconvenience you, sir, would you mind joining us at 1:30 when we resume, after a brief recess? Mr. Ashbrook has some questions and I think there are some others.

Your testimony is exceedingly critical to our understanding the possibilities of registration.

General KANE. I will be happy to come back.

Mr. CONYERS. Thank you very much, and the subcommittee will stand in recess until 1:30.

[Whereupon the subcommittee recessed, to reconvene at 1:30 p.m.]

#### AFTERNOON SESSION

Mr. CONYERS. The subcommittee will come to order and we will resume the questioning of Major General Francis Kane, who has agreed to rejoin us. I will ask Mr. McClory to continue and to conclude his questioning, at which time I will recognize Mr. Ashbrook for some questions.

Mr. McCLORY. General, do you have any information as to the percentage of the guns, the number of guns which are registered under the municipal ordinance of the city of Chicago where the guns were purchased outside of the city of Chicago?

General KANE. They come from every conceivable place, Congressman.

If you will notice, a sample of the gun registration application blank, I have submitted it with my statement. On the reverse side of this, we ask for the source from which the gun was acquired.

Every State in the Union I think is represented in our records and many, many of the guns come from suburban areas, downstate areas and various other places.

We have no—well, we have compiled some statistics on actual locations.

Mr. McCLORY. Could you give the committee the information as to the percentage of the guns that are purchased outside of the city of Chicago where the registration is in the city?

General KANE. With a little time, we could do that, yes.

Mr. McCLORY. Now, there would be no restriction on the purchase of handguns then from your office, insofar as those guns, handguns are purchased from outside the city of Chicago?

General KANE. No, sir, we have no jurisdiction over those.

Mr. McCLORY. Sergeant Figlioli, I think that maybe you could answer these question better.

The principal complaint that I hear from people about Federal registration laws is with respect to a Federal law to require the registration of all handguns, for instance, which is something that I am giving very serious consideration to; that while only the law-abiding citizens will register their guns, whereas the criminals will not register their guns.

Now, I am interested in getting at the criminal elements. I am interested in protecting the law-abiding citizens. Now, do you have information that you could give to the committee on this subject in this respect: To what extent is the municipal registration law useful in connection with apprehending criminals in regard to the prosecution of criminals and I would say at the same time, protecting the law-abiding citizens?

Could you supply me with information on that?

General KANE. Let me say one thing, first: We keep talking about criminals and I am with you, we should prosecute them and put them away, but according to our own congressional records, more than 67 percent of the fatalities due to handguns are not in the commission of a crime, are not used in the commission of a crime, nor by felons.

They involve decent law-abiding citizens, prior to the shooting, like you and I. In other words, they are people who know each other and who in the heat of passion employ the gun which is handy and they kill each other. Now that is more than 67 percent of the fatalities, people that know each other and where the gun is not used in the commission of a crime.

So, consequently, it is wonderful, and we should be after the criminal element, but I think we have a problem with our decent citizens when it comes to weapons and especially handguns. I think they are killing each other and we should stop it.

Now, in Chicago, the national trend seems to be more toward long guns versus handguns. In Chicago, we have just the opposite. We have about 53 percent more handguns in Chicago registered than we do long guns.

There is about 301,000 handguns in Chicago versus 247,000 long guns.

Now, as to your question: Any law that would assist a police officer out in the street is helpful in curtailing crime. It is another weapon in the arsenal of the police.

I believe that it helps immeasurably and then we have a lot of side effects to gun registration. It isn't only the registering of the guns that we are solely doing here.

We have what we call a steal file. There are in excess of 26,000 weapons registered in the city of Chicago, and we have these on a computer and every new registration that comes in to be registered, we check against this file and all type of crimes are uncovered in the investigation of the stolen weapons in our file, because we have averaged anywhere from—well, so far, this year, for instance, 36 guns have been checked through our steal file and have come up hot where they have been stolen in a burglary, a robbery or what-have-you.

Now, then, when this is the case, we make a note of this. We pull all of the existing case reports, police reports there are and turn this over to the detective division of the Chicago Police Department and they, in turn, investigate.

We have uncovered sidelines that are interesting. We have uncovered, in one instance and let me just give you an instance where they went to a location where the person had tried to register the gun, and he was sitting on his porch.

At the time they didn't know him, but they asked questions and found that he was in fact the owner of the gun in question. They told him that he was registering a stolen gun, and that he was under arrest and they made a search and in the search they found the proceeds of a burglary in that this fellow had marked—well, not marked money, so to speak, but he had money and it was foreign currency, currency that the burglary victim had, along with other valuables that he had and this was in the pocket of the registrant, the person who was trying to register the gun.

So there are some side effects with respect to our gun registration program.

Mr. McCLORY. Well, the law enforcement people do make general use of the information that you have in connection with the gun registration ordinance.

General KANE. Very much so.

Mr. McCLORY. All right. Thank you very much.

Mr. CONYERS. Mr. Ashbrook.

Mr. ASHBROOK. Thank you, Mr. Chairman.

General Kane, I assume you were involved in the original writing of the ordinance in Chicago, from what the mayor said; is that correct?

You were in from the very inception?

General KANE. Part of it, yes.

Mr. ASHBROOK. Could you tell me, just out of some constitutional, historical curiosity, the part, to your knowledge, the Haynes decision of 1968 may have played in your local ordinance.

General KANE. Yes, I can tell you. The ordinance had been prepared and was ready for submittal to the city council at the time the Haynes decision was rendered.

It was necessary to change the proposed ordinance to conform to the Haynes decision at that time, eliminating any reference to the victim of the Haynes decision and our ordinance as such was submitted and passed.

Mr. ASHBROOK. Would it be fair or would it be an exaggeration to say, and I have examined a number of ordinances, that as a result of the Haynes decision, it made it very easy to require the registration of firearms of honest, law-abiding citizens but virtually made it impossible, if not difficult, to register, because of self-incrimination, felons, criminals, those who may have been convicted.

I even notice your form excludes them.

I don't want to exaggerate but it seems to me that is one of the problems of registration with the constitutional decisions, that you can require the average law-abiding citizen in Chicago to register but you are virtually—you virtually have to close your eyes and tell the felon that he is an unqualified person and: "We can't force you to register under the Supreme Court decision."

Is that reasonably close or approximately what happened in Chicago?

General KANE. That is a fairly close analogy.

Mr. ASHBROOK. Fairly close, you say?

General KANE. Yes, but you understand, you see under the Federal Firearms Act, felons are barred from owning or possessing guns, too, and I think that any bar that would be legally usable in Chicago would not make the person exempt from apprehension under the law for possession of a firearm, if he were under the Federal Firearms Act.

Mr. ASHBROOK. Again, I don't say this to criticize you or your administration, because I realize that you have to write the laws and enact the ordinances and enforce them on the basis of whatever the law, the constitutional requirements and so forth are and the way it reflects on your administration, I am sure you understand that.

General KANE. Yes, sir.

Mr. ASHBROOK. Now, that is a problem that was created by that decision, not by your feelings one way or the other on the situation.

However, that unfortunately is a fairly accurate description of what happens.

General KANE. That is right.

Mr. ASHBROOK. When—

General KANE. If I may interject, please, Mr. Congressman.

Mr. ASHBROOK. Yes.

General KANE. The mere fact that we have registration acceptable by mail, as I mentioned earlier, does not mean that we accept without checking some of the people who do register.

So we spot check registrations. We have been doing this for the last 6 years, and we have uncovered many people who are barred actually from registration.

When we find a person like that, he is barred not only from registering with us but his license with the State is also revokable.

So we notify the man that he has registered in violation of the law and he is required to turn in his gun at the nearest police station. We

also notify the State of Illinois Firearms Owners Licensing Division and they revoke his license.

Now, we checked the turn-ins, too; and every police officer who visits the applicant at his home makes sure that he has gotten rid of his gun. Not all of them turned the guns into the police station, as you can readily understand.

Some sell them or otherwise dispose of them, but he is on notice that he is barred from registration.

Mr. ASHBROOK. It has to be a little disquieting to the average American to know that he is required to register but in most cases a felon, because of self-incrimination, and a certain decision under your ordinance is disqualified from registration.

Now, to go to another area: As a person who has administered the law strong, weak, or however you might term it, its application, you got the ordinance as it is so that is beyond your purview but you have had to administer it.

Now, in your administration, do you think that it has been effective in stopping crime in Chicago?

General KANE. Well, I don't think that any law that can be enacted at any level of legislative jurisdiction is going to stop crime.

If the ten commandments haven't stopped crime, then I don't think that any man-made law is going to do it.

Mr. ASHBROOK. I appreciate that good, honest answer.

General KANE. Yes. But I do feel that our gun registration ordinance has been a deterrent to crime in the city because I think it has made most of the gun owners—well, it has given them a feeling of responsibility for their weapons that they ordinarily might not have had beforehand.

So they are not so likely to leave their guns on the top of a dresser or on the bedstand where they are easily used by their children.

I think in that sense that we have accomplished a great deal. While, as I mentioned, the crime rate in Chicago has increased, just as it has throughout the country, statistically the crime rate here has increased less than it has in any of the other major cities and we feel——

Mr. ASHBROOK. In the country or in Illinois, you mean?

General KANE. In the country.

Mr. ASHBROOK. In the country.

General KANE. I think it is 11½ percent in Illinois.

Mr. ASHBROOK. I was looking at the 1973 figures and it indicates that 30 percent of the population in the last year that I see anyway, which is 1973; Chicago had 864 of the 1,156 reported murders so that wouldn't seem to indicate that murder was basically stopped by any registration.

Maybe what you are saying is that the educational aspect and encouraging the homeowner to hide the guns, to be careful when there are children around; that aspect may be successful but for the ones that are bent on crime, it doesn't appear to me, the raw statistics anyway, indicative that registration of handguns in Chicago has really stopped the overwhelming majority of murders in Illinois being committed in the Cook County area.

I would ask one last question and if you don't have the statistics, I would appreciate receiving them, if possible.

Are there statistics at all that indicate, in the commission of crime in Cook County—Chicago, let us say—where a firearm, a handgun has been used in the commission of that felony; the percentage of those firearms which would have been registered and the percentage which would not have been registered?

Sergeant, you are shaking your head.

Sergeant FIGLIOLI. There are no such statistics. They have kept no such statistics.

Mr. ASHBROOK. In your experience, do you have any guideline or clue?

Sergeant FIGLIOLI. Well, I go back to the 67 percent or more that are people that know each other and now in the commission of the felony.

Mr. ASHBROOK. I was going to ask you whether or not that doesn't seem to be borne out in Superintendent Rochford's statistics, et cetera.

Sergeant FIGLIOLI. Well, this is nationwide, this is not—

Mr. ASHBROOK. It is not Chicago?

Sergeant FIGLIOLI. Right.

Mr. ASHBROOK. It looked to me like the overwhelming majority of the murders in Chicago are committed by people who didn't know each other.

In looking at the statistics—I just had it here—oh, here it is—in your 1974 murder analysis, I was going to point that out when I heard you say that to Mr. McClory, and I think that is one of the things that is broadcast throughout the United States, that the handgun is dangerous in the home because most people know each other.

Your statistics clearly indicate, and let's look at the figures—it says, "Martial," instead of "Marital." [Laughter] And that may be some sort of an omen.

But you list: Romantic relationship, 20; business relationship, 5; then you jump down to the major category, no relationship, 229.

Legal relationship, not established; so I suppose that if you have here 283, that would indicate to me that the overwhelming majority of murders, where there has been a handgun involved, are not in the home, are not committed by people who know each other, but by others.

General KANE. I didn't say in the home, or necessarily by people that know each other, but I said, "In the heat of passion."

Mr. ASHBROOK. Was that your 67 percent?

General KANE. They were not involved in the commission of a crime.

Mr. ASHBROOK. I thought you indicated that they had known each other.

General KANE. They could have, yes, but in the main, it is that it was not in the commission of a felony. In other words, it is not in the commission of a stickup or an assault, but rather it is arguments and not necessarily by family members.

Mr. ASHBROOK. Well, thank you.

Mr. Chairman, I don't want to—well, there are many more questions but I think we want to keep things moving and I will try to be as careful as I can be with respect to the 5-minute rule.

Mr. CONYERS. I always want to give you as much time as you need.

I recognize Mr. McClory, who has one observation to make before you leave.

Mr. McCLODY. With respect to the Haynes case, I am not sure that I understand it precisely, but my understanding is that it involved a crime which was committed prior to the time of the Federal Gun Registration Law, the requirement to register and it therefore was regarded as violating the fifth amendment to require the person either to register or to admit that he had an unregistered gangster type weapon.

Now, subsequent to that, the Congress reenacted the law and the gangster type weapons are required to be registered now and that in the case of *United States v. Fried*, the law was upheld.

Is that your understanding?

General KANE. Well, I think you ought to define, first of all, the gangster type weapon.

Mr. McCLODY. All right.

General KANE. Are you talking about a machine gun, an automatic weapon?

Mr. CONYERS. Basically.

General KANE. These are barred from registration and the city ordinance, but collectors, under the Federal ordinance, must register their machine guns.

Mr. McCLODY. Right.

General KANE. Yet parenthetically I might say that many of the laws that are referred to by some of the opponents of any gun legislation—in many States they have legislated on machine guns and automatic weapons.

Now, the *Haynes* case referred to the incrimination of an individual by the weapon that he was supposed to register.

Mr. McCLODY. That is right.

General KANE. Yes; I am not acquainted with the *Fried* case, however.

Mr. ASHBROOK. But the point was made that the Chicago ordinance, which is in existence now, was passed and tailored to the *Haynes* case out of necessity.

General KANE. That is right.

Mr. McCLODY. And the Congress enacted the registration legislation with regard to these automatic weapons and so on, subsequent to the *Haynes* case and that the congressional action has been sustained in *United States v. Fried*, that case.

General KANE. Yes, I see.

Mr. McCLODY. So there is Federal legislation at the present time which has been held constitutional.

Mr. CONYERS. Gentlemen, I can see that we are going to have to go back and review our constitutional law in these cases, because there is some question of interpretation but, General Kane and Sergeant Figlioli, your testimony here. I think, has been very instructive in terms of the benefits and the dangers of registration.

If I am not mistaken, what you have said to us is that unless this is nationalized, you don't have much chance of really making it work in an ideal sort of way.

Is that an accurate assessment?

General KANE. I think that is an accurate analysis, yes, it is.

Mr. CONYERS. There has been a fair satisfaction with the law as it has been operating?

General KANE. Yes; it could be much better, though, with extending the jurisdiction to suburban areas, State areas and nationally.

Mr. CONYERS. And your permit experience, has that worked fairly well?

General KANE. In Chicago, it has worked very well.

We haven't had any confrontations with respect to persons that have been denied applications and the denials amounted to several hundred compared to five or six or seven that have been issued over the past 6 or 7 years.

Now, I think the State of Hawaii has copied our ordinance almost in total and have added some additional qualifications of their own.

Enforcement there, of course, is much more effective because they are more or less isolated.

Mr. CONYERS. Fine, thank you very much, both of you. You have been extremely helpful in giving us the benefit of your experiences here in Chicago. Keep up the good work.

I would like to call to the witness stand Dr. Richard Block, assistant professor of sociology, Loyola University, research associate, center for studies in criminal justice, University of Chicago; co-author: "Homicide in Chicago, 1965-1970" and, most recently, author of "Homicide in Chicago: a Nine Year Study (1965-1973)."

As indicated, he has written extensively on the subject of the patterns of homicide and firearms used in crime. We are very delighted to have a witness that can present this aspect of the subject matter to us.

Welcome, Dr. Block.

Dr. BLOCK. Thank you.

Mr. CONYERS. Let me first place your statement in the record without objection and that will free you to use your notes and use any other kind of—

Dr. BLOCK. Whatever.

Mr. CONYERS. Yes, whatever kind of tables you have there. They look quite interesting.

[The statement follows:]

STATEMENT OF RICHARD BLOCK, PH.D., LOYOLA UNIVERSITY OF CHICAGO AND THE UNIVERSITY OF CHICAGO

Violent crimes, and especially violent crimes using firearms are a great and increasing threat in the urban areas of the United States. Although there is a great fear of violent crime and a general belief that more strict control of firearms might reduce the amount of violence in urban areas, research on the relationship between firearms and violence has been relatively rare.

There have been many studies of criminal violence either in a psychological or sociological tradition. Thus, it is known that some killers exhibit symptoms which are typically Freudian (mother hatred, internal conflict) and that homicides are concentrated among the poor and black. Usually these studies of violence, have not considered the weapon used to commit a violent act or when the weapon used is discussed, the discussion is descriptive rather than analytic. The differences between violent crimes which result in death and those that do not have not been analyzed.

It is the contention of this paper that weapon choice is a critical element in explaining the current increase in violent crime and is a primary factor in determining whether violence results in death.

It is generally believed that data gathered from police records on robbery and homicide more accurately depict the true amount of crime than records of other criminal behavior. From this data and the Uniform Crime Reports, it is clear that violent crime is increasing faster than other serious crime. Between 1968



and 1973 the rate of violent crime was up 40 percent for the country as a whole, while the rate of crimes against property was up 22 percent. Both the robbery and murder rate were up about 40 percent. Between 1965 and 1973 the number of homicides in Chicago more than doubled, and in 1974 and 1975 this upward trend is continuing.

Although, the evidence is not as complete, it is also clear that handgun production and ownership is increasing faster than that of other firearms. Self-report surveys indicate that the percentage of households owning guns has increased. Data from the late 1960's indicate that the production and licensing of handguns, especially in urban areas increased very rapidly. Handguns, while not more frequently owned in urban areas than in rural areas, are more frequently the only gun owned by an urban household. In rural areas and small towns ownership of sporting weapons (rifles and shotguns) is more frequent. Thus, guns owned by urban residents are far more likely to be owned for their believed protective value than other guns.

There is very little evidence that household guns offer very much protection against burglars or robbers. Most burglars try to avoid the residents of the household they are burglarizing. Home robbery involves a violent confrontation with the householder, but the shock and surprise of the event are usually sufficient for the robber to have the upper hand. Seeing the householder with a gun may result in the robber shooting his victim. Household robbery forms a small proportion of all robberies and less than 5 percent of all homicides.

Ownership of firearms is correlated with firearms accidents. Those areas of the country with the highest percentage of firearms ownership, are also those with the highest rate of firearm accidents. In addition, the presence of a handgun in a household may lead to death. If homicide can be treated as an extreme form of aggravated assault then assaults committed with guns are about five times more fatal than those committed with knives. Thus, a household argument or barroom fight may become a death depending upon the availability of a handgun.

Handguns may also be used for self-defense by business men and as a defense against street crime. In those urban areas where crimes against business are high, handgun ownership may serve a self-defense purpose. Murder involving and confrontation between a shopkeeper and robber or customer, increased more rapidly than other forms of murder in Chicago from 1965-1973. Thus, there is evidence that storekeepers in some urban areas may need guns for self-defense.

Evidence of the effectiveness of a handgun for protection against street crimes is not available. However, in considering the handguns effectiveness for street protection both the benefits derived from protection and the danger involved in carrying a gun should be considered.

While there is evidence that handguns have little use for defense except for small business men and law officers, there is evidence that handguns contribute excessively to the commission of violent crimes. Although only about 27 percent of the firearms in this country are handguns they are the firearm used in 76 percent of all firearm homicides, 86 per cent of all firearm assaults, and virtually all robberies using firearms. In urban areas these percentages are even higher. In 1973 a majority of all homicides were committed with handguns.

Between 1968 and 1973 the rate of reported robberies increased 39 per cent. However, the rate of robberies using guns increased even faster. In 1967, 37 per cent of all robberies used guns. In 1973, 45 per cent of all officially reported robberies used firearms. Paradoxically, a robbery in which a firearm is used is less likely to result in injury than other robberies. However, robberies with guns are four times more likely to result in fatalities than other robberies.

There are basically two types of homicide—those based upon family arguments or fights between friends and those based upon felonies (usually robbery). In the case of arguments, instrumentality may be the key determinant of whether a crime is an aggravated assault or a murder. One study found that the victims and offenders of aggravated assaults could not be differentiated in terms of social class, nature of argument, or intent to kill, but could be differentiated on choice of weapon by type (guns versus knives) and by caliber of firearm used.

Flights which result in death have not increased nearly so rapidly as felony homicides. Between 1968 and 1973 felony homicides increased 65 per cent, non felony homicides increased 35 per cent. In 1973 about 35 per cent of all homicides in the states around Illinois were felony homicides. Based upon evidence from

Chicago, almost all felony homicides were committed with handguns in the early 1970's.

Thus, evidence from national and regional studies have shown that (1) crimes of violence are increasing more rapidly than other crimes; (2) the percentage of violent crimes using firearms, and especially handguns, has increased even more rapidly; (3) firearms, as an instrument of crime, are far more likely to be fatal than other weapons; (4) handguns have been shown to be defensively useful only for business men.

In order to study changes in patterns of violent crime in greater detail I undertook a study of patterns of homicide in Chicago from 1965-1973. Homicide in Chicago: A Nine-Year Study (1965-1973).

Patterns of violent crime have been typically characterized as both a changing and stable phenomenon. While police statistics indicate that the level of violent crime is increasing, many researchers have held that the nature of these acts are fairly stable. For example, homicides are characterized as intra-racial mostly between close acquaintances and committed by those who have essentially no criminal career. While there is an element of stability in the pattern of homicide over time, the rapid increase in the number of homicides committed would lead one to suspect that there are changes in the nature of the crime as well. Over the nine year period from 1965 to 1973, the homicide rate in Chicago more than doubled, from 305 criminal homicides and a rate of 11.4 per 100,000 in 1965 to 854 homicides and a rate of 25.3 in 1973. This great increase in the rate of homicide is not unique to Chicago, and suggests that analysis of patterns of homicide over time might add a useful dimension to the data base provided by earlier studies.

#### METHOD

The data for this nine years study were collected from police records of the homicide division of the Chicago Police Department. Information was coded on all 6,075 crimes labeled as criminal homicide by the police from 1965-1973. Although the type of data collected was remarkably stable over the nine year period, there were some changes. When these changes affect the analysis presented here the possible effects of the changes will be noted. This data source limits possible analysis and explanations. Many variables which might be useful in this analysis are not available.

Two analytical techniques used in this paper are dependent upon knowledge and projection of the age, race, and sex specific population distribution of Chicago. The two techniques are rates of victimization and offenses and excess increase analysis. In both cases, base populations are derived by linear interpolation of the 1960 and 1970 population distribution of the city and continuing with a linear projection of age, race and sex specific population distributions through 1973. Analysis based upon these population estimates only roughly estimate changes in homicide distribution and should be taken with a small grain of salt (at least). The population estimates are even more tentative for Latinos and young black males. They are dependent on a census count which probably grossly underestimated the real population in these groups. The Latin population was estimated for 1960, using City of Chicago estimates of the entire population and the age, race, and sex distribution for Puerto Ricans.

The primary concern of this paper is with the increase in homicides and changes concurrent with this increase. It would be expected that the number of homicides in Chicago in 1973 would be greater than that in 1965 because of demographic changes, an increase in the black and young adult populations. Thus, a special demographically controlled technique was used to analyze changes in patterns of homicide over time. This is the technique of excess increase. Using this technique, a rate of homicide victimization or offense is created for age, race, and sex specific population categories for 1965. Then using the population distribution estimated for 1973, the number of homicides expected in 1973 based upon 1965 age, race, and sex specific rates is calculated. These projected counts are then compared to real counts and an estimated number of excess homicides in 1973 is calculated. This count summed over all race, sex, and age specific categories is used to calculate what percent of the total excess increase is accounted for by population in each category. In some tables, an additional variable is added (e.g., age, race, sex, and weapon specific estimates). However, the analytic technique remains the same. Thus, the technique of excess increase allows demographically controlled comparisons of changes in patterns of crime over time.

## STABILITY AND CHANGE

Some of the findings of this research are quite similar to those of several other homicide studies. Looking at Table One, it is clear that in the aggregate patterns of homicide show some remarkable stability from 1965-1973. For all nine years homicide remains a crime that is overwhelmingly intra-racial with most victims and offenders being blacks. In 1965, 90 per cent of the victims and offenders were of the same race. In 1973, 86 per cent were of the same race. The percentage of victims who were black varies between 70 per cent and 73 per cent for the entire time period. During the nine year time period the percentage of known offenders who were black varied from 77 to 83 per cent.

However, hidden by this apparent racial stability in patterns of homicide was another pattern of dynamic change. In 1965, there were 284 black homicide victims. In 1973, there were 592 black homicide victims. Thus, the number of homicides with black victims more than doubled in the nine year period. Similarly, the number of interracial homicides increased in the nine year period from 36 to 103.

There have been some major changes in general characteristics of homicides in Chicago. These changes are primarily in type of weapon used, relationship between victim and offender, and in the age of the offender. As seen in Table One, although there have been fluctuations, during the nine year period of this study, the percentage of homicides where victim and offender were acquainted dropped from 76 to 64 per cent, or put another way, the number of homicides where victim and offender did not know each other increased from 95 to 307 during the nine year period of the study. While it is still true that most victims and offenders know each other before a killing, it is not nearly so true as in the past. The increase in homicides where victim and offender are not acquainted has not been uniformly spread throughout the population. Later in this paper this distribution will be discussed.

Continuing a long-term trend, the percentage of homicides where the murder weapon was a gun increased during every year of the nine year period. During the nine year period the number of all murder weapons which were guns increased from 197 in 1965 to 608 in 1973. Most of this increase was in handguns.

## EXCESS INCREASE ANALYSIS

Demographically controlled estimation of the contribution of particular age, race, and sex categories of Chicagoans to the overall increase in number of homicides seemed to be a concise way of presenting the changing patterns of homicide in the city while taking into account changes in the population structure of the city. The method of excess increase was developed for this analysis. Table Two presents an analysis of excess increase comparing 1965 and 1973 for both victims and offenders. The first column in each section of the table is the age, race and sex specific rate of homicide for 1965. The second column is the number of homicides expected in 1973 based upon these rates and the projected population of 1973. The third column is the real number of homicides which occurred in 1973. Column four is the difference real and projected. And Column five is the age, race and sex specific percentage of total excess. The same format is followed in all tables of excess increase.

As can be seen in Table Two, victimization was projected to rise to 475.0 in 1973. There were, in fact, 841 homicides in that year, an excess increase of 362 victimization. Similarly, there was an excess increase of 351.0 offenders. In calculating offenders, a projected number of unknown offenders was calculated as well as age, race and sex specific counts. This was done because of the large increase in unknown offenders during the nine year period.

Looking at Column five in Table Three (for victim and offender), it can be seen that the excess increases in homicides is not uniformly distributed throughout the population. This is expected, in that it is known that homicides are concentrated among black males and particularly high among young black males. However, the particular distribution among black males is somewhat unexpected. Young black males contributed 25 percent to the increase in victims and 36.0 percent to the increase in offenders. However, older black males contributed 39.0 percent of the excess increase in victimization but only 10.8 percent of the excess increase in offenders. Thus, offenses were increasing faster than victimization among the young and victimization was increasing much faster than offenses among older black males. As we shall see later, much of this excess was in robbery homicide.

Older whites also contributed more to the increase in victimization than to the increase in offenses. There was actually a smaller increase in homicide victimization and offense for older black women than expected. Both older and younger Latino males contributed substantially to the increase in victimization and offense, while Latino females were exceedingly unlikely to be either victims or offenders in homicide. The quality of the estimates of excess increase for Latinos is suspect because of difficulty in estimating the real Latin population of Chicago.

Forty percent of the excess increase in homicide offenders was among unknown offenders. If these unknown offenders are added to the known offenders according to the distribution of known excess offenders, it is estimated that 58.8 percent of the excess increase in offenders was due to young black males and 30.5 percent was due to older black males. Thus, it can be seen that the increase in homicide offense between 1965 and 1973 was extremely concentrated. Sixty percent of the excess increase was due to 3 percent of the entire population. Still homicide is a rare crime even among this most physically violent part of the population. The rate of homicide for young black males was probably no more than 250 per 100,000 population.

#### ROBBERY HOMICIDE

Much of the increase in homicides can be accounted for by an increase in the number of homicides related to robbery. The number of robbery related homicides increased from 33 in 1965 to 162 in 1973, an increase of 309 percent.

Robbery homicides increased from a total of 8 percent of all homicides to 19 percent of all homicides. Victims of robbery homicide are different demographically from victims of most other homicides. They tend to be far older than their assailants. The average age difference between non-robbery homicide victims and offenders was never more than two years in any period of this study.

The average age difference for armed robbery victims and offenders was twenty years and for strong armed robbery homicide, 27 years. The age composition of robbery homicide offenders has changed dramatically in the nine year period. In 1965, there were eleven robbery homicide offenders between 15-24 years old and fifteen of other ages. In 1973 there were 79 offenders 15-24 and 27 of other ages. In addition, the number of offenders whose age was unknown grew substantially.

Not only the age composition, but also the racial composition of robbery homicides changed over the nine year period. Most significantly, the racial composition of robbery victims has come to be more similar to the racial composition of other homicides. In 1965, 80 percent of all male robbery homicide victims (most robbery victims are male) were either whites or Latinos (24/30). In 1973, 34 percent were Latinos or other whites (50/146). During the nine year period the number of robbery homicides of white males about doubled. During the same time period the number of robbery killings of black males increased from 6 to 96. The number of such killings increased 1500 percent.

This increase is so large that it might indicate that the police have changed their procedures for designating the cause of homicide of black males. Tangential evidence would indicate that this is not the case. (1) The increase in robbery designated homicides does not occur at once but over the entire time period.

(2) The age difference between black victims and offenders in robbery homicide offenders has not changed significantly during the time period although the number has, of course, increased. Thus, the racial composition of robbery victims has become more similar to offenders over the nine year period. It is not likely that these black male targets of robbery are affluent. Preliminary analysis indicated that robbery homicide is concentrated in the same very poor neighborhoods of Chicago as are other black homicides. These neighborhoods are not only racially but economically segregated.

#### GUNS AND HOMICIDE

As seen in Table One, the use of guns in homicides clearly and consistently increased over the nine year period under study. In Tables Three and Four, the method of excess increase and is used to examine the relationship between increases in homicides and increased gun use. Using the method of excess increase the relationship can be examined holding demographic changes in the city population and race, sex and age differences in choice of weapon constant.

As can be seen in Table Three, the entire increase in homicides between 1965 and 1973 in Chicago can be accounted for by homicides where a gun was the weapon.

The method of excess increase predicted that there would be 234 non-gun homicides in 1973. There were in fact 232. It was predicted that 241.5 gun homicides would occur, there were in fact, 667. Thus, 100.6 percent of the excess increase in homicide victims was accounted for by gun killings.

About 70 percent of this excess increase in victimization was due to killings of black males, 27 percent due to killings of black males 15-24 and 43 percent due to killings of other black males. In 1973, young black males were estimated to form 3 percent of the city's population and other black males 13 percent of the city's population.

In Table Four, excess increase in offenders by weapon choice is examined. The results are pretty much as expected. Almost 100 percent of the excess increase is accounted for by black males and unknown offenders using guns. An additional 10.3 percent is due to non-gun killings by unknown offenders. Once again younger black males are responsible for a greater increase in offenders than they are victims of homicide and older black males suffer a greater increase in victimization than they are responsible as offenders.

Use of weapons other than guns by known offenders as 13.9 percent lower than projected and use of weapons other than guns increased less than expected among younger black male and actually decreased among other black males. Older black women who were homicide offenders also chose weapons other than guns fewer times than projected with the increase in gun use coming close to the decline in non-gun use.

Thus, especially among older blacks, use of guns in homicide may have been a substitute for the use of other weapons. It is not possible to know whether the increase in homicides was due entirely to the increasing availability of guns or if the increase was due to an increased propensity to violent crime with a gun instead of another weapon. However, it is clear from this data, that the entire increase in homicides in Chicago from 1965 to 1973 can be accounted for by an increase in homicides using a gun as the weapon.

Firearms accounted for the entire increase in homicides from 1965-1973 in Chicago once demographic shifts are controlled. Of this excess increase 90 percent (330 cases) was accounted for by handgun killings and 10 percent by long gun killings. Almost all the excess increase resulted from handgun deaths.

The obvious question to ask is: "Would these extra killings have occurred if a handgun were not available for use?" Unfortunately, this question cannot be answered directly. There is no accurate information concerning availability of guns or shifts in availability of guns over time.

One tangential technique for answering the question is to compare weapon choice among offender groups at the beginning and end of the time period. If all offender groups or crimes of different offense type have about the same shift toward handgun use over time, this would tend to support a hypothesis of the increase in general availability of handguns as a cause of increased homicide. If, however, there are significant differences in weapon choice between groups it would suggest that some offenders or offense types result from a conscious choice of the handgun as a weapon.

There were no significant differences in the increase in handgun use as a weapon of homicide among offenders of different age groups, or offenders who closely knew or did not know the victim. Also location of the crime made no difference in the increased use of handguns.

However, the rate of handgun in homicides did increase much faster for blacks than for whites and for robbery homicide offenders than for altercation offenders. The first finding may indicate the greater felt need for handgun protection in the black community over the nine year period. Thereby resulting in greater gun availability for non-defensive purposes. And an increase in homicides.

The shift of robbers to use guns in their crimes is a trend seen in seventy cities. Robbers in recent years have increasingly chosen handguns as a weapon of threat. Where a firearm is the robber's weapon, death is more likely to occur. Thus, the increase in percentage of handguns in robbery homicide probably results from a change in the robber's weapon choice.

There is evidence that part of the increase in homicide in Chicago from 1965-1973 resulted from the greater availability of handguns and that some resulted from a shift in the choice of weapons of persons committing other felonies toward the greater use of handguns. In that non-robbery-homicides represent a majority of all homicides most of the increase can probably be accounted for by greater gun availability.

## POLICY IMPLICATIONS

If reduction in the number of violent crimes and especially homicide is a desired goal of our society, legislation must be passed which limits the availability of handguns. In 1968 state and local statutes relevant to Chicago were enacted to control availability of guns and ammunition, and to register sales, and ownership of guns.

Analysis of the effect of the federal legislation indicate that it had little effect except in one strict enforcement experiment in Washington. The increase in homicides in Chicago from 1968-1973 testifies to the ineffectiveness of the Illinois and Chicago legislation.

Stronger legislation is necessary to reduce the level of violent crime. To reduce the level of violent crimes it is necessary to reduce the availability of handguns both to felony and to the general populace.

TABLE 1.—CRIMINAL HOMICIDE IN CHICAGO—1965-73

	1965	1966	1967	1968	1969	1970	1971	1972	1973
Percentage of homicides with black victims.....	72.0	71.0	71.0	73.0	73.0	74.0	74.0	73.0	70.0
Percentage of homicides attributed to black offenders when offender known.....	78.0	77.0	78.0	78.0	78.0	83.0	81.0	81.0	80.0
Percentage of homicide victims and offenders same race.....	90.0	90.0	86.0	89.0	89.0	86.0	89.0	88.0	86.0
Median age of victim.....	31.2	32.3	33.4	33.4	32.0	31.1	29.7	30.4	31.3
Median age of offender.....	24.4	27.0	30.1	28.8	27.5	26.8	25.8	24.8	25.3
Percentage of homicides where victim and offender had been acquainted.....	76.0	73.0	73.0	73.0	63.0	62.0	67.0	71.0	64.0
Percentage of homicides by guns.....	50.0	52.0	57.0	58.0	61.0	65.0	64.0	69.0	71.0
Number of homicides.....	397.0	510.0	552.0	636.0	760.0	831.0	826.0	709.0	854.0

TABLE 2.—1973 REAL AND PROJECTED HOMICIDE VICTIMS AND OFFENDERS BY AGE, RACE, AND SEX

	Victims					Offenders				
	1965 rate	1973 projected N	1973 real N	Excess N	Percent excess	1965 rate	1973 project	1973 real	Excess N	Percent excess
White males, 15 to 24.....	9.4	15.5	25	9.5	2.6	13.3	21.9	20	-1.9	-0.5
Other age.....	7.6	52.9	105	52.1	14.2	5.1	35.5	47	11.5	3.3
Black males, 15 to 24.....	54.0	53.2	145	91.8	25.1	107.9	106.3	231	124.7	35.8
Other age.....	44.4	202.4	346	143.6	39.3	42.8	195.1	233	37.9	10.7
Latino males, 15 to 24.....	37.9	10.0	30	20.0	5.5	31.6	8.4	31	22.6	6.6
Other age.....	14.5	17.2	40	22.8	6.2	11.9	14.1	30	15.9	4.8
White females, 15 to 24.....	2.3	5.3	8	2.7	.7	1.5	2.7	0	-2.7	-.1
Other age.....	1.9	17.5	33	15.5	4.2	.7	6.5	9	2.5	.2
Black females, 15 to 24.....	14.6	17.4	30	12.6	3.4	13.4	16.0	20	4.0	1.7
Other age.....	15.3	38.9	69	-9.9	-2.7	11.3	58.3	58	-3	-.1
Latino females, 15 to 24.....	5.8	1.6	5	3.4	.9	5.8	1.7	0	-1.7	-.8
Other age.....	2.9	3.3	5	1.7	.5	2.9	3.3	1	-2.3	-.4
Total known.....	13.1	475.0	841	365.8	100.0	12.5	469.8	680	210.2	59.5
Unknown offenders.....	NA	NA	NA	NA	NA	.6	20.7	161	140.3	40.5
Total.....	NA	NA	NA	NA	NA	13.1	490.5	841	350.5	100.0

TABLE 3.—1973 REAL AND PROJECTED HOMICIDE VICTIMS BY WEAPDN, AGE, RACE, AND SEX

	1965 rate		1973 project N		1973 real N		Excess N		Percent excess	
	Gun	Nongun	Gun	Nongun	Gun	Nongun	Gun	Nongun	Gun	Nongun
White males, 15 to 24.....	7.1	2.4	11.7	4.9	16	9	4.3	4.1	1.1	1.1
Other age.....	3.3	4.1	23.0	28.6	63	41	40.0	12.4	11.0	3.4
Black males, 15 to 24.....	33.0	21.0	32.5	20.7	130	15	97.5	-5.7	26.8	-1.6
Other age.....	22.6	21.8	103.0	99.4	261	84	158.0	-15.4	43.5	-4.2
Latino males, 15 to 24.....	26.3	13.2	7.0	3.5	25	5	18.0	1.5	5.0	.4
Other age.....	10.5	4.0	12.5	4.7	28	12	15.5	7.3	4.3	2.0
White females, 15 to 24.....	2.2	.7	4.0	1.3	5	3	1.0	2.7	.3	.7
Other age.....	.2	1.7	1.8	15.7	14	19	12.2	3.3	3.4	.9
Black females, 15 to 24.....	7.3	7.3	8.7	8.7	19	11	10.3	2.3	2.8	.6
Other age.....	6.6	8.7	34.0	44.9	41	23	7.0	-16.9	1.9	-4.6
Latino females, 15 to 24.....	5.8	0	1.7	0	3	2	1.3	2.0	.4	.5
Other age.....	1.4	1.4	1.6	1.6	2	3	.4	1.4	.1	.4
Total.....	6.5	6.5	241.5	234.0	607	232	365.6	-2.0	100.6	-.6
Grand total.....	13.0		475.5		839		363.5		100	

TABLE 4.—1973 REAL AND PROJECTED HOMICIDE OFFENDERS BY WEAPDN, AGE, RACE AND SEX

	1965 rate		1973 project N		1973 real N		Excess N		Present excess	
	Gun	Nongun	Gun	Nongun	Gun	Nongun	Gun	Nongun	Gun	Nongun
White males, 14 to 24.....	4.7	8.6	7.8	14.2	3	11	-4.8	-3.2	-1.3	-0.9
Other age.....	2.6	2.4	18.1	16.7	9	24	-9.1	7.3	-2.6	2.0
Black males, 15 to 24.....	54.0	54.0	53.2	53.2	185	46	131.8	-7.2	37.5	-2.0
Other age.....	22.6	20.3	103.0	92.6	179	54	76.0	-38.6	21.6	-11.0
Latino males, 15 to 24.....	32.9	0	8.8	0	27	4	18.0	8.0	5.2	1.1
Other age.....	7.9	4.0	9.4	4.7	19	11	9.6	6.3	2.7	1.8
White females, 15 to 24.....	.7	.7	1.3	1.3	0	0	-1.3	-1.3	-.4	-.4
Other age.....	.5	.2	4.6	1.8	6	3	1.4	1.2	.4	.3
Black females, 15 to 24.....	4.9	8.5	5.8	10.1	11	9	5.2	-1.1	1.5	-.3
Other age.....	3.8	7.6	19.6	39.2	32	26	12.4	-13.2	3.5	-3.8
Latino females, 15 to 24.....	0	5.7	0	1.6	0	0	0	-1.6	0	-.5
Other age.....	1.4	1.4	1.6	1.6	471	1	-1.6	-.6	-.5	-.2
Total known.....	6.2	6.3	233.2	237.0	471	189	237.8	-48.0	67.6	-13.9
Unknown.....	.3	.2	10.3	6.9	136	43	125.7	36.1	35.8	10.3
Total.....	6.5	6.5	243.5	243.9	607	232	363.5	-11.9	103.4	-3.6
Grand total.....	13.0		487.4		839		351.6		99.8	

In Tables One and Two rates of homicide victimization and offense per 100,000 are considered within age, race and sex groups. As seen in Table One, rates of victimization are consistently lower for women than for men. Among non-Hispanic Whites age appears to have little effect on probability of victimization. Among Hispanic Whites and Blacks, age appears to have a large effect on probability of victimization, especially in the latter years of the study. In the first year of the study Black women age 15-24 were less likely victims of homicide than other women. In 1973 the rate of homicide for older Black women had declined from 1965 while the rate for women age 15-24 had increased 71% to 25.1 per 100,000 population. While age and probability of victimization are probably unrelated among Hispanic females, there is a strong and increasing relationship between age and probability of victimization among Hispanic males and Black males.



Rates of victimization are always higher among males age 15-24 than among other males, and the difference in rate of victimization is increasing very rapidly. In 1965 the rate of victimization for Black males and the difference in rate of victimization for Hispanic males 15-24 and other Hispanic males was 23.4 per 100,000 greater. In 1973, 71.3 more young Black males per 100,000 were likely to be killed than other Black males and 79.6 young Hispanic males. The greatest rate increases in victimization were among young Black and Hispanic males.

As seen in Table Two, the greatest increase in rate of homicide offense was also among young Black and Hispanic males. However, Hispanic males contribute about equally to offenders and victims while young Black males are more likely to be offenders in homicide than victims. Both the rates of victimization and offense by young Black males peaked in 1970, along with a peak in gang activity. There have been no significant increases in rate of offense per 100,000 except among young Black males and among Hispanic males of all ages. Among both Blacks and Hispanics the rate of offense for younger men is approximately four times higher than that for older men. Offense rates for women are uniformly lower than for men of the same race. Only among older Black women does the offense rate approach the victimization rate.

Thus, the story told by these tables is not far different from that told by the graphic analysis. Rates of both victimization and offense are higher among Blacks than Whites. There is a very strong relationship between age and probability of victimization or offense. Rates of victimization and offense are higher among Hispanic males than among other White males, but are lower than among Black males. The greatest increases in homicide both as victim and as offender were among Hispanic males and young Black males. Rates of homicide for Black women are somewhat higher than for other women. In general, rates of homicide were virtually unchanged among women either as offenders or as victims over the entire time period.

TABLE 1.—RATE OF HOMICIDE VICTIMIZATION PER 100,000, 1965-73 BY RACE, AGE, AND SEX

	1965	1966	1967	1968	1969	1970	1971	1972	1973
White male, 15 to 24.....	9.4	7.6	9.5	12.0	15.7	11.3	11.6	10.6	15.2
Other age.....	7.6	9.3	9.3	10.4	12.4	13.4	13.9	9.3	15.1
White female, 15 to 24.....	2.9	7.0	4.1	5.9	6.3	1.2	3.5	5.7	4.4
Other age.....	1.9	22.	3.5	3.8	3.6	3.1	3.5	3.1	3.6
Black male, 15 to 24.....	54.0	101.9	111.2	141.2	191.3	194.1	176.7	146.0	147.2
Other age.....	44.4	57.9	60.3	63.6	72.3	78.0	74.8	64.9	75.9
Black female.....	14.6	17.3	21.9	20.8	22.8	34.1	33.6	19.2	25.1
Other age.....	15.3	11.2	10.7	15.0	15.3	16.2	15.8	13.3	13.4
Hispanic male, 15 to 24.....	37.9	46.6	37.8	55.5	56.7	75.6	79.8	135.2	113.3
Other age.....	14.5	24.6	27.7	17.4	28.8	31.2	25.9	20.3	33.7
Hispanic female, 15 to 24.....	5.8	0	0	4.6	4.4	4.1	0	3.7	17.4
Other age.....	2.9	2.7	3.7	1.2	2.2	6.1	5.9	3.7	4.4

TABLE 2.—RATE OF HOMICIDE OFFENSE PER 100,000, 1965-73, BY RACE, AGE AND SEX

	1965	1966	1967	1968	1969	1970	1971	1972	1973
White male, 15 to 24.....	13.3	17.4	16.1	14.1	13.7	12.6	16.1	10.0	12.1
Other age.....	5.1	7.0	6.2	7.6	10.0	5.3	7.2	4.9	6.7
White female, 15 to 24.....	1.5	.7	0	3.3	.6	.6	2.3	.6	0
Other age.....	.7	.4	1.4	1.1	.7	.8	.4	.2	1.0
Black male, 15 to 24.....	107.9	157.1	172.8	218.8	264.0	303.8	268.4	224.3	234.6
Other age.....	42.8	46.9	48.9	49.3	54.7	55.9	59.1	47.2	51.1
Black female, 15 to 24.....	13.4	23.0	24.0	25.0	28.7	24.7	23.6	24.4	16.7
Other age.....	11.3	13.1	11.0	15.7	11.5	16.2	13.2	10.5	11.2
Hispanic male, 15 to 24.....	31.6	58.3	64.9	50.4	94.5	106.7	113.3	147.1	117.0
Other age.....	11.9	22.1	17.3	19.6	23.6	28.2	25.0	24.7	26.2
Hispanic female, 15 to 24.....	5.8	0	9.9	13.9	0	0	7.7	3.7	0
Other age.....	2.9	0	1.2	1.2	3.3	3.1	1.0	.9	.9



## TESTIMONY OF RICHARD BLOCK, PH. D., LOYOLA UNIVERSITY OF CHICAGO, AND THE UNIVERSITY OF CHICAGO

Dr. BLOCK. Now, what I want to do today is to quickly review some of the studies of the relationship of handguns and violence in the United States and then go on to a particular study that I have been doing of the patterns of homicides in Chicago over the last 9 years, from 1965 to 1973.

There hasn't really been very much research on instrumentality in violent crime; in other words, on what difference the availability of a weapon, the availability, say, of a gun rather than a knife makes to someone who is going to either get in a fight with his wife or go out and rob someone.

Does it make any difference in the instrumentality?

Now, there have been a few studies made with respect to robberies or aggravated assaults. If a gun is available, the likelihood increases four or five times over knives which are the next most fatal weapon after guns.

It is, as you know, clear that homicides, violent crime has been increasing nationally and locally and they are increasing faster than other forms of crime although in the last year the recession has had some effect on economic crimes, increasing economic crimes.

It is fairly clear also that handgun ownership is increasing. 1,600,000 to 1,800,000 handguns are introduced into the market every year.

The estimated gun ownership in an area is directly related to the percentage of crime where guns are used. So an area where, for example, several reports say there is a lot of guns, those are areas where there is a higher percent of guns used in crime.

Now, it has been found that generally if an urban family owns a gun, it is likely to be a handgun and if he owns—and if it is a handgun, it is likely to be for protection rather than sport.

There have been several attempts to assess the effect of handguns as a self-defense weapon in urban areas and it's generally been those studies that have generally found that it is more effective for businessmen than for the normal homeowner.

Burglars try to avoid having anyone at home. There aren't that many robberies in homes whereas in businesses the man is awake and so it is generally found that there is more self-defense for businessmen, say, than for homeowners.

OK. Handguns are disproportionately represented as the gun in crimes in which figures are used, especially in urban areas so that handguns are about 30 percent of all of the guns in the United States, but they represent a much higher proportion of the guns used in crime.

They represent, for example, a majority of all homicides in 1973; I think it is 53 percent are handgun homicides. Virtually all robberies with firearms used or involved the use of handguns.

OK, whereas handguns represent only 30 percent of all firearms.

The robbery rate, the homicide rates are increasing, as I have said. They have increased about 40 percent from 1968 to 1973, where homicides and robberies increased their rate about 40 percent versus about 22 or 23 percent for other nonviolent indexed crimes; crimes reported by the FBI. The rate of robbery involving firearm, the rates of homicides involving firearms have increased faster than that.

For example, in 1967, 37 percent of the robberies involved firearms. In 1973, 45 percent of the robberies involved firearms and at the same time the base was increasing also so there were more robberies, too.

Firearm robberies, one study found, were about four times more fatal than others and virtually all the firearm robberies, as I said, are handguns.

There are basically two kinds of homicides and I think that the witness alluded to that, a witness alluded to that. There are robbery homicides. There are felony homicides which are mostly the result of robberies and there are homicides which probably would have been aggravated assaults if there wasn't a fatality; a husband and wife fight, someone in a bar fight, and because it gets out of hand some way it is a fatality rather than an aggravated assault.

If we take homicides and aggravated assaults, as one study did, it was found that those committed with guns were five times more fatal than those committed with knives. This was just in one city, so you know it might be different other places.

The study could really not differentiate those crimes that were aggravated assaults from those that were murders, except based upon the choice of weapons.

In other words, because they were guns rather than—well, the gun—the guns resulted in their being a fatality perhaps and that was the interpretation at any rate.

In the States around Illinois; in the North Central States, felony homicides, according to the uniform crime reports, increased 65 percent.

Robbery-related homicides primarily from 1968 to 1973 increased 65 percent and there are about 35 percent of all crime robbery homicides.

In order to study the violence on a more local level, I undertook the study which you see depicted on the chart over there and there's listed all of the homicides in Chicago from 1965 to 1973. This was done in the law school at the University of Chicago.

What I did was that I computer-coded all police reported homicides for 1965 through 1973, a period during which homicides increased a little more than 100 percent; from 300 to 800 per year.

There were around 6,000 homicides altogether and I found some things did change or did not change rather.

Mr. GEKAS. Mr. Chairman, if I may. When you computer-coded the information on homicides, you did it by age, the offender's age, the victim's age.

Dr. BLOCK. Oh, yes, the age of the offender, the age of the victim, race, sex, weapon used, motive.

Mr. GEKAS. And relationship between the victim and the offender?

Dr. BLOCK. Yes, the relationship between the victim and the offender.

Mr. GEKAS. And the information came from where?

Dr. BLOCK. The information came from the police report sheets on each murder.

Mr. GEKAS. OK, thank you.

Dr. BLOCK. I am sorry, I was going to go into that.

OK. We found some things didn't change. The victims and the offenders were predominantly of the same race. It was between people who knew each other, and I think the exact percentage is 68 percent in 1973, I have that.

Mr. GEKAS. It was 68?

Dr. BLOCK. Yes. I can check for sure.

Mr. GEKAS. That is OK, 68.

Dr. BLOCK. There was some talk about that by a prior witness.

Mr. GEKAS. There was a relationship?

Dr. BLOCK. They were known to each other.

Mr. GEKAS. All right. Thank you.

Dr. BLOCK. A smaller percentage were families and some of these, as I said, were in bars and such, but they knew each other beforehand and that is a decline though from earlier times.

About in every year, about 70 percent of the victims and offenders were black, and that didn't change much over the time period.

We found some things did change. There is an increase in killings during robberies, killings by youthful offenders increased as well and "youthful offenders." I define that as between the ages of 15 and 24.

The percent of firearm killings increased from 50 percent to 71 percent during the time period and this was the time period in which the overall rate doubled and, as we will see, the rate for guns increased even more.

OK, now, in order to analyze this change, I prepared a thing which I thought of as the excess increase analysis and that is the first thing on this table 1 over here.

Now, let me try to interpret what this meant.

I knew that there were age rates, sex differences in homicides and offense and victimization—for example, men are much more likely to be killed than women. Young people have a higher rate of homicide than older people.

OK, and then the demographic distribution of Chicago by race, by age, is changing.

So, you would expect that there would be an increase in homicide just because of demographic shift of populations with a higher rate of homicide.

And so there were 397 homicides in 1965 and looking toward just population shifts, I would have expected 475 in 1973.

In fact, in 1973, there were 840 homicides in Chicago which meant that there was an excess increase, in other words, an increase above what you would expect because of population changes, over 365 homicides.

Is that clear what I did on that?

Mr. CONYERS. Yes.

Dr. BLOCK. OK. Now, much of the increase was in robbery homicides. Robbery homicides increased 309 percent from 33 to 162 during the time period and the victims were increasingly older black males, so that the number of older black males above 24—remember this is

15 to 24 and then 24 and above—increased from 66 to 96 which was a 15-percent increase, a very substantial part of the increase but the other part of the increase was in guns and that is the second table here.

I said: "Now, OK, we have this basic projection of how much excess increase there is, increase above the demographic shifts."

Now, if we look at the nongun homicide, how much of it can be accounted for by changes in gun and nongun homicides and projecting the nongun homicides from 1965 to 1973, I estimated that there should be 234 nongun homicides.

There were, in fact, 232. I almost precisely estimated the increase in nongun homicides by population shift.

OK, then estimating the gun homicides, it was estimated at 242 and this was using the same techniques. Now, there were in fact 607 and what that meant then was that the entire excess increase in homicides that couldn't be accounted for by population change, could be accounted for by firearms.

It is pretty rare that anything comes out that clearly in sociological research and it can be seen from that chart exactly what has happened; that there was an excess increase from the first chart of 367. I think—367 homicides, all of them allowing for some loss in data of two cases with the result of guns, firearm homicides, and of the firearm homicides, about 90 percent or 330 of the excess were with handguns. 330 of the 365 were with handguns; about 90 percent of the whole total.

Thus in trying to analyze the reason for the rapid increase in homicides in Chicago, between 1965 and 1973, you have to consider first, I think, the weapons, especially the handguns.

Now, I tried to determine whether this increase was the result from increase in handgun availability generally. We knew the handgun, the number of handguns and it was increasing in the population; or from a change in the weapon choice of murderers; in other words, were murderers choosing more fatal weapons and therefore resultant increase in homicides?

We don't have any real estimate of the number of guns so that makes it difficult to do but I tried—what I tried to do was: I said, "Well, if the increase is uniformly distributed, that is, the excess increase, that would mean probably that it was as a result of increased availability that if there were particular kinds of offenders who chose guns at an excess rate, that would increase or indicate a change in choice."

Well, I found both. Generally the increase was uniformly spread throughout the population.

The difference, the only—well, there were two exceptions and only two exceptions. Well, the major exception was robbery, where the offender is increasingly choosing a gun as a weapon and that is the thing that has been found in other studies as well: That robbery offenders in this and other cities, robbery offenders have increasingly used guns where in the past they might have used knives.

OK: so I concluded then that availability and change in choice of weapons had a lot to do, both of them had to do with this excess increase in firearms which essentially accounted for all of the increase during the 9 years.

It would seem to me that therefore there are a couple of implications to this: First, that in order to reduce violent crime, probably you have

to reduce availability of handguns. Now, in reducing the availability of nonrobbery offenders probably would result in a reduction of argument kind of killings.

In other words, those that, you know, where a husband and a wife get into a fight, where there is a barroom brawl and someone pulls out a gun and that is the reason it is a killing instead of an aggravated assault. Now, perhaps limiting availability would eventually limit availability to felons as well, and I say this because most guns in the illegal market were originally bought in the legal market so that a drying up of one source of guns might eventually result in a drying up of another.

All right. That is my prepared statement.

Mr. CONYERS. Well, let's start off with your last statement with respect to drying up illegal sources as well as drying up legal sources, which are both important in reducing the armaments that we have.

Is that the thrust of your last remark?

Dr. BLOCK. I don't think so and I think that, although the studies aren't entirely clear, the guns, the street guns; in other words, guns that are used in robberies and such tend to not last very long, whereas a gun stored in someone's house lasts for quite a while.

A gun on the street, I guess, doesn't last as long, so that if you can cut off availability of street guns, eventually there might be a decline in their use and I think that just the availability to robbers of guns has a great deal to do with the increase in homicides.

I don't think robberies are going to decline but it could result in a decline in fatalities due to robberies.

Mr. CONYERS. I have got two questions, Dr. Block.

First of all, some may disagree with your projections on the basis of challenging them as mere evidence of a causal relationship that may or may not exist; for example, suppose that we had compared income rates with murders and found out that they both went up; we might come to the conclusion then that people are making more money and that that is in direct relationship to why there is more crime. Or people are eating more cherry pie.

How would you respond to that criticism?

Dr. BLOCK. That could be a criticism, but I think that this is pretty clear, what I was trying to do was say: OK, we know that there is a predominant—that the rate of homicides for the blacks is higher than the whites.

We know the proportion of the population that is black in Chicago is increasing; therefore, that should go into any shift, any increase in homicides. We would expect an increase in homicides even though behaviors didn't change at all.

OK, and that is what the demographic shift is saying, that we know that there are these demographic shifts occurring and we know that younger people have higher rates of homicide and we know the young population in Chicago increased during the late sixties and early seventies. It is declining now, but it did increase then.

And we should take those into account when we are trying to figure out how many homicides we would expect. In other words, we are saying: OK, the rate—if the rate didn't change at all for these population groups, what would the number of homicides be?

It would increase. It did increase, it increased about 80 or so, just by demographic shift. But then we are saying: Just the demographic shift doesn't take into—they don't predict the entire increase. So with the nongun kind of thing, we are saying: OK, how can we explain the rest of the increase that wasn't explained by the demographic shift?

Mr. CONYERS. Well, that is the point. You and I are going to have to discuss this, because I am the—I am the one who fully respects your work. But suppose someone argued that the pressures of living inside a black ghetto were so intense, and have been accelerating, and that, if you compared that with the earlier homicide rates, after you make the demographic adjustments—

Dr. BLOCK. Yes?

Mr. CONYERS [continuing]. You would or you could possibly find a corollary there.

Dr. BLOCK. Yes?

Mr. CONYERS. You see?

Dr. BLOCK. Yes, I see what you are saying.

Mr. CONYERS. What I am trying to say is that there may be, although this might be valid, some other givings that are valid as a rate of comparison and gotten a difference that went beyond any demographic compensations, and we could then come out with the conclusion that people are catching more economic and social pressure; therefore, there is more violence or the people have lost more faith in the Government of their country and its elected officials and these factors may account for the trends.

In other words, I am trying to separate out what makes these premises that you used more valid than any other, while at the same time, I am inclined to believe that there is in fact a relationship between the amount of guns in the citizen population and the rate of crime in any given area.

Dr. BLOCK. Well, I see what you mean.

We did try to take some of this into account. What we tried to do was to look at, for example, where the homicides occurred. So we have all kinds of geographic maps plotting where the homicides occurred, looking at, you know, what kind of communities they occurred in and the highest rates are in concentrated communities like Robert Taylor Homes which is a housing project.

Mr. CONYERS. Well, most homicides occur in ghettos—in black communities, primarily black communities, and lower income areas.

Dr. BLOCK. Lower income areas, yes.

There is one area of high rate of homicides in Chicago, which is uptown, which is a white ghetto area, white poor ghetto area, so it is not entirely black communities. Now that patterning doesn't change it. It is the same in 1965 as in 1973.

There could be like increasing distrust of government but the police reports don't measure increasing mistrust of government.

We are trying to look at various things.

Mr. CONYERS. That wouldn't make it any less valid a possibility, though.

Dr. BLOCK. I know.

Mr. CONYERS. The police don't measure a lot of things.

Dr. BLOCK. It doesn't make it—it makes it impossible for me to measure.

Mr. CONYERS. Right.

Dr. BLOCK. One thing that I am trying to measure now is income maldistribution and its result in homicide rates or on homicide rates.

Interestingly enough, I had expected that, you know, seeing a very large increase in robbery homicides of older black males which really wasn't matched by any other population so I thought: Well, it is income differences, but the people who are victims, apparently their victimization occurs in like, areas like Robert Taylor Homes and they occur in the same community, that same poor community which would indicate to me that it isn't income differences. It may be generalized poverty in those neighborhoods.

Mr. CONYERS. Let me just quickly raise another question.

Dr. BLOCK. Yes.

Mr. CONYERS. I don't want to take you out of your field and, if I do, please so indicate.

How would you recommend to the national legislature that it proceed on the several theories that you have advanced here, assuming that they were generally accepted and we agreed that there was a relationship to the multiplicity of gun ownership in a given area. So that availability through the mass of armaments would be reduced?

Which options would you recommend in terms of effecting a reduction?

Dr. BLOCK. Well, I think that any option would have to be on a national basis. The reason I say that is that, as far as gun tracing studies have shown, or have gone, which isn't that far yet, for example, the guns that enter New York City that are confiscated come from South Carolina, many of them, so that it is not limiting yourself to New York ESA, it isn't going to stop that, not from within it and I think that any legislation that fails to take into account the ingenuity of people with respect to rerouting gun supplies would probably be a mistake.

I think that we have to, as I said, control availability probably more than just registration, and maybe limit handguns to people who can clearly show that they need them. For example, I think that a good case could be made, say, for businessmen in poor neighborhoods who are under good threat—not good threat, but a large threat of being robbed.

Mr. CONYERS. Do you have any views about the manufacture and introduction of 2½ million weapons annually into the mainstream of our communities?

Dr. BLOCK. Clearly I think that would have to be limited also.

We could, you know, just—well, I am sure that if you limited the—well, maybe not, but if you limit who can purchase them very severely, you are going to limit the manufacture, too, because they really won't want to manufacture guns that aren't sold.

However, it could be better or it would be better to limit manufacture and keep very close records, on the manufacturers.

Mr. CONYERS. What about the question of registration and licensing and, finally, the question of Federal enforcement?

Have you had any experience in these areas?

Dr. BLOCK. No, not really.

There has been some small research done on it, that tended to show that the 1968 act only had an effect where there was strict enforcement and that was in one experiment in Washington, D.C., where there may have been some reduction in violent crime during a period of strict enforcement of the 1968 act.

Mr. CONYERS. I see.

Well, thank you very much.

I am not going to pursue any more questions. I want to yield to Mr. McClory, who may have some questions.

Mr. McCLORY. Thank you, Mr. Chairman.

I judge that the impact of your statement is that in response to the questions from the chairman, essentially your basically Federal national legislation is in order or is required in order to——

Dr. BLOCK. I would say that is a fair assessment.

Mr. McCLORY. And on the other hand, the studies that you have made and the particular project that you have undertaken relates to an urban area and I think it indicates a regional problem and your study in effect, has been limited to a regional area.

Dr. BLOCK. Yes, sir.

There have been other studies done, you know, of the problem.

I think what studies which would tend to show where guns come from and where guns wind up would be particularly important for this and I think the Alcohol, Tobacco, and Firearms Division is trying to do that now.

Mr. McCLORY. Now, when you say that we need, for instance, at least a Federal registration of the handguns, for instance, in order to better control the increase in the number of handguns, and especially the handguns that are used in connection with the commission of crimes, you supplement that by saying that we should try to determine who needs the gun.

Now, I would judge that the question as to who needs a gun is primarily a local or a regional problem in contrast to the Federal registration question.

Dr. BLOCK. It could be.

I think that, you know, it is a problem that certainly would have to be looked at.

You know, the person available would have to be at the local level. That doesn't, of course, mean that it can't be a Federal registration.

Mr. McCLORY. Go ahead.

Dr. BLOCK. That is all I have to say on that.

Mr. McCLORY. I think in the earlier part of your testimony, you intended to make out your case and to describe your study by making reference to the number of guns in an area; the increase in the number of guns, particularly handguns, and that the prevalence of the handgun accounted for this excess increase, so to speak.

Now, if you took the situation in Idaho or Wyoming where a very high percentage of the population are carrying sidearms, in a strictly rural area, the prevalence of any handguns wouldn't have any connection with the question of crime in that kind of a community.

Dr. BLOCK. That is true.

Gun ownership in urban areas, the gun that is owned there is a handgun and in rural areas a lot of families own handguns but they



own other guns as well. The predominant characteristic of handguns is being the gun used in crime, is much truer in urban areas than in rural areas.

Mr. McCLOREY. Now, we have considered the increased number of guns in the Chicago area and the increased crime rate in the use of handguns and yet the city of Chicago and the State of Illinois have endeavored to do something.

The city has, through its gun registration law, endeavored to do something and the State of Illinois, with regard to the gun licensing State law, had endeavored to do something about this.

Did you make any studies to determine what would have been the effect if they had not had either the municipal ordinance or the State statute or are you able to make any projections?

Dr. BLOCK. No, I can't project this. I wish I could, you know, I wish I could.

There is a technique for doing it, which is called an interrupted time period, which we are trying to look at legislation as it becomes enacted now.

In other words, OK, do we detect immediate drops in violent crimes, a drop over a time, but we don't do that with the Chicago or State of Illinois data.

Mr. McCLOREY. I think it is very interesting, the study that you have made. I had occasion to make a study using automatic data processing techniques in connection with jury selection in the Federal courts, and the projections were extremely interesting and resulted in the revision of the Federal statute with regard to jury selection.

I think that automatic data processing can be a very useful technique in connection with providing information regarding social, sociological problems as well as purely statistical and mathematical and economic problems.

Thank you very much.

Mr. CONYERS. I yield to Mr. Ashbrook as much time as he may require.

Mr. ASHBROOK. Thank you, Mr. Chairman.

I would say, Dr. Block, I found what you said very interesting and I also noted that Mr. McClory got, for the record, your statement that you think Federal across-the-board registration, if we are to have it, would be the most effective.

Is that basically what you are saying?

Dr. BLOCK. Yes, more than local or statewide.

Mr. ASHBROOK. I guess I would have to say that in listening to your statistics, it would indicate that registration in Chicago hasn't done much good, has it? [Laughter.]

Mr. CONYERS. The Chair has been very generous in allowing audience participation, but I should point out to you that in a proper setting, we are really supposed to try to control expressions of personal views, whether we don't like or even like them.

So I would ask the audience's cooperation.

Mr. ASHBROOK. I would agree with that, Mr. Chairman.

Dr. BLOCK. I would say that that is the point. Legislation which is limited to Chicago, I don't think can do much good.

I think that because of its limits, not even to an entire area, but just to one part of that area can allow guns to be brought in very

easily and that is what I was saying about where do the felony guns in New York come from.

They don't even come predominantly from New York State. They come from in the South where apparently there has been some lines set up of guns from there.

Mr. ASHBROOK. An illegal line evidently.

Dr. BLOCK. Yes, right.

Well, I am not sure but that would be—

Mr. ASHBROOK. That is the point Mr. McClory continues to make.

Mr. McCLORY. If the gentleman would yield, it is not technically illegal under the existing law.

What happens is a licensed dealer in some southern State, they buy up 5, 10, or 15 guns and act as a licensed dealer, and ship them north or to other areas where they do get into the wrong hands, but it starts off as a lawful operation under existing law.

Dr. BLOCK. Yes.

Mr. ASHBROOK. I just wonder, though, whether—and I respect your opinion—I wonder whether it is really valid to say that, because the rest of the State does not have gun control, that it creates a problem in Chicago because if you look at the statistics in SMSA, and I happen to have it in front of me, and I assume that you are conversant with the 1973 crime report.

It indicates on page 19 the core cities in Illinois as being for 44.5 percent of the State population but account for 85 percent of the total murders and an astounding 90 percent of the total robberies.

Now, I doubt very seriously that this can be blamed on nonregistration in your downstate counties. I guess I am one of those who just fails to understand how extending this registration concept to everywhere will dry up crime that already is running at this percentage in the State.

Dr. BLOCK. As I said, I don't really believe that it will affect the number of robberies.

What I am more concerned with is the number of fatalities.

It might be that robberies will continue to be 90 percent in the urbanized areas of Illinois.

However, if guns are less available, perhaps there will be fewer fatalities.

Similarly, I think that the last speaker made the point that most homicides are not—they don't start out as homicides. They are fights between people in bars. They are fights between husband and wife and there is an increase in—the increased probability of fatality if the gun is available has a great deal to do with what I think were the homicide rates.

Mr. ASHBROOK. I guess this brings me to thinking all of a sudden about Attorney General Levi's recommendation.

Many of us have concern about the concept of gun control and gun registration, but are nonetheless not at all insensitive to the problem that you have in the city and certainly want as much as possible to be able to help in that fight on crime, and the increasing crime rates.

Are you aware of his general proposal of—

Dr. BLOCK. Generally, yes.

Mr. ASHBROOK. Of having mandatory registration, as I understand it, and I don't have the statistics, but mandatory registration and

some Federal involvement in areas of high incidence of crime and I guess Chicago would have to qualify—

Dr. BLOCK. I think it does under that.

Mr. ASHBROOK [continuing]. As one of those.

Dr. BLOCK. Yes.

Mr. ASHBROOK. Would that, from your studies, seem to be an acceptable alternative or would you prefer an across-the-board registration?

Dr. BLOCK. I think that that would be less effective than a wider registration.

It seems to me what would happen is that once again chains of gun selling would develop outside the urbanized area.

It may not be as bad as it looks on first blush though, because it does ban street possession, as I understand it, although not possessions in businesses and/or in homes.

So it does give, I guess, another enforcement tool but I am not—you know, it is already in many cities illegal to possess handguns on the street.

Mr. ASHBROOK. It would be just changing it to a Federal crime and get the Feds in for whatever reason.

This is one last question, and I don't want to draw out an opinion, if you don't want to state it. I gather from what you are saying that you think registration would help, but I think I detect, down deep, a feeling that you just about have to dry up guns.

Would you favor some means of taking guns out of private possession?

Dr. BLOCK. Not all private possession, I don't think.

Mr. ASHBROOK. Certainly you want to reduce it from everything you have said.

Dr. BLOCK. Yes. I think I do want to reduce gun ownership in private possession to those who can show a need and, you know, that is not impossible. It is done in or has been done in places.

Mr. ASHBROOK. Well, the 90-percent robbery incidence in Chicago; maybe everybody can show a need on that point.

Dr. BLOCK. Well, there is a problem, that is a problem, you see.

[Noise from audience.]

Mr. CONYERS. Just a moment.

We want to implore our audience, who we are very grateful have joined us, not to participate as the gentleman in the fifth row is in raising any kind of objects or signs.

We are just—we know this is an important subject to everyone, but we can't, in the nature of keeping an orderly proceeding, allow anybody to make any extraneous exhibitions or demonstrations of any kind and I again ask your cooperation.

Mr. ASHBROOK. I would certainly add to that.

Dr. BLOCK. Can I continue?

Mr. ASHBROOK. I think no one on either side helps their side by doing that and whether they are for or against, or in between, I certainly hope we can maintain order and I agree with you 100 percent.

Yes, I would appreciate it if you would go on, Doctor.

Dr. BLOCK. Yes, let me continue.

That is a very real problem and certainly the entire solution to the high rates of violent crime is not going to come from any gun control

legislation. It has to come; one, from social change and I think that there have to be some real changes in the criminal justice system.

You know, I think we have to take possession of guns seriously.

Very frequently, you know, initial studies tend to show that it isn't taken very serious in court when someone possesses a gun.

I think that we have to, you know, take killing someone to be a more serious crime, you know, the more serious crime than we do now.

You might say it is a very serious crime but, in fact, the sentences served in urban areas aren't that large.

Mr. ASHBROOK. Well, thank you, Dr. Block, for your testimony.

Thank you, Mr. Chairman.

Mr. CONYERS. You are more than welcome.

I appreciate the work you have done with Professor Zimmering and others at the University of Chicago and your testimony here has been very helpful.

We may be calling on you through our counsel, to elaborate on some of the data that you have presented here, but at this point, I want to thank you very much, Dr. Block, for joining us here at the hearings in Chicago.

Dr. BLOCK. Thank you.

Mr. CONYERS. Our next witness is the chairman of the Chicago Crime Commission, Mr. Lee Schooler. With him is the executive director of the Chicago Crime Commission, Mr. Stephen A. Schiller.

If both of you gentlemen will come forward, please.

First of all, I welcome you to the Subcommittee on Crime and these hearings being held here in Chicago. I have had a chance to scan "The Enforcement of Gun Laws in Chicago, a Preliminary Examination," that was submitted through the commission in January, and I understand that you have prepared statements which will be accepted into the record at this time and that will free you to testify in your own way before the committee.

[The prepared statement of Mr. Schooler follows:]

#### STATEMENT OF LEE SCHOOLER, PRESIDENT, CHICAGO CRIME COMMISSION

I am grateful for the opportunity to address the Subcommittee. The Chicago Crime Commission shares your concern with the problem that handgun abuse presents to our major metropolitan areas. It has been the role of the Chicago Crime Commission over the last 56 years to monitor both crime trends and the way in which our criminal justice institutions react to them.

Let me say that having examined published materials on the growth of the incidence of crime involving handguns and studies of our Commission which deal with our response to this growth, I find myself appalled. Appalled, not only by the violence that is reflected by these statistics, but by the obvious lack of effect our present laws seem to be having on the problem.

This lack of effect seems to follow from:

1. The fact that handguns are almost impossible to control when there is *disparate policy amongst the states* on the subject.
2. The *absence of a strong national policy* that can effect totally the manufacture, distribution, and use of handguns.
3. The *fragmented local law systems* that we presently have for dealing with gun abuse, which are almost totally ineffective in implementing the laws that we have.

Before exploring the Chicago Crime Commission's position on handgun control, I want to take the opportunity to describe our Commission to this Subcommittee. The Commission was founded in 1919 by the business and civic leadership of the Chicago area. Its founding purposes were to:

Promote efficiency and integrity in the offices and departments of the state, the county and the city which are charged with suppressing and preventing crime and punishing offenders.

Encourage proper contact and cooperation between citizens and those officials who administer criminal justice, and to encourage those officials to act uncompromisingly, courageously, firmly and aggressively.

Promote and engage in scientific research in criminology, penology and related sociology, and to announce results to the general public for practical use.

The Commission has a limited membership of approximately 300 members. Its members represent executive management of Chicago's major businesses and professional organizations. The Commission is supported privately through the contributions of its members and friends.

The Commission has a professional staff which works with lay member committees in the development and implementation of its programs. In the regular course of business, professional staff collect all publications dealing with crime and crime control in our community, and all data that is generated by the processing of felony cases in Cook County. In addition we monitor the budgets and performance of all of the agencies in our metropolitan area and play a role in the administration of criminal justice.

The role of the Commission has always been a constructive one. Its objective has not been exposé but rather "what can be done to make things work better." When the Commission uses its accumulated data to make studies, the results of these studies are used by the Commission to negotiate change with responsible public officials and as the basis for draft legislation at both the city and state level. The professional staff of the Commission has served on many occasions as a resource to both the Legislature of the State of Illinois and the Congress of the United States. The Commission has and will continue to support, with professional services, civic and community groups interested in the problems of crime in their communities.

The business of the use of handguns has been an emotional issue for many years. But, today, as data that the members of this Subcommittee are fully aware of show, the effect of handgun abuse is such that we can no longer afford to indulge emotional preferences.

Public opinion has, I believe, shifted over the last several years and there is almost, in my opinion, consensus on the need to abate the growth of gun related violence. Although I join this Subcommittee in believing that hearings such as these must be conducted to fully examine both the problem area and alternative solutions, I am heartened by the Attorney General's determination that a solution be found as indicated by his proposal of April 6, 1975. I am not certain that I agree that his proposal constitutes the best resolution, but it is an important fact that the head of the Justice Department and the Administration is now willing to help provide leadership in resolving this problem.

The Chicago Crime Commission will continue to work toward the goal of effective handgun control. I have brought with me today Mr. Stephen A. Schiller, the Commission's Executive Director, who will report on the Commission's recent study of the enforcement of gun laws in the City of Chicago, the results of which I found most interesting and at the same time depressing. Also appearing for the Crime Commission is Mr. Peter Taylor Jones, the Chairman of our Annual Chicagoland Law Enforcement Week Program. This year's Chicagoland Law Enforcement Week Program will have as its theme: effective handgun control. It will also mark the formal commencement of a sustained effort, as Mr. Jones will describe, on the part of the Commission to see that this problem is effectively dealt with.

## TESTIMONY OF LEE SCHOOLER, PRESIDENT OF THE CHICAGO CRIME COMMISSION

Mr. SCHOOLER. Thank you, Mr. Chairman.

We are delighted that the subcommittee has seen fit to come to Chicago to look at this very important problem and hopefully come up with some answers, as the Crime Commission and so many other institutions within the criminal justice system in the United States have been trying to do. It is a complex and difficult problem.

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I may have some comments later, Mr. Chairman, but I suggest that Mr. Schiller's exposition at this point might be effective.

Mr. CONYERS. We would like to hear from him and we will have some questions and would like answers from both of you.

Welcome, Mr. Schiller, and you may proceed.

#### **TESTIMONY OF STEPHEN A. SCHILLER, EXECUTIVE DIRECTOR OF THE CHICAGO CRIME COMMISSION**

Mr. SCHILLER. Thank you, Mr. Chairman.

I wish to thank the members of the subcommittee for the opportunity to speak to them. As Mr. Schooler has indicated, the Chicago Crime Commission is a broadly based citizens' organization. I, as its executive director, am responsible for the administration of its professional staff and the implementation of its programs. Charged with this responsibility, and given the character of crime in our major urban areas, it is almost impossible to avoid the issue of handgun abuse. As several other witnesses have testified and published studies have indicated, the role of the handgun has increased in significance in the practice of crime in our cities.



Late in 1974, the Chicago Crime Commission's staff undertook to assess the effectiveness of the laws that govern the possession and use of guns in the State of Illinois. The assessment was not limited to a review of statutes and appellate court cases, but included a study of the processing of charges brought under these laws in the city of Chicago. The conclusions to be drawn from this admittedly preliminary study, which appears to be validated by a later but still incomplete, but more indepth study, are that our present local gun control laws are not effective. In substance, we believe that no finding is more important than the observation these laws are controlling neither guns in our community or citizens who would abuse them. In support of this position I offer to the subcommittee an analysis of a cohort which consists of all of the gun changes brought in the city of Chicago during a 4-day weekend period. I will follow this analysis with my suggestions as to what some of the reasons may be for the rather dismal facts that the statistics of our study point to.

Illinois laws that deal directly with guns are organized under the State Criminal Code: State laws dealing with the use and possession of firearms are organized under section 24, chapter 38 of the Illinois Revised Statutes; the ownership of firearms is dealt with in section 83-2 of the same chapter.

Section 83 makes it unlawful for a person to possess or acquire a firearm or ammunition within the State without having a firearm owner's identification card. Section 24 identifies a series of offenses in connection with the use of firearms and other weapons. With reference to firearms, an individual commits the crime of unlawful use of weapons when he (1-a)4, carries concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver, or other firearm; (1-a)6, possesses any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm; (1-a)7, sells, manufactures, purchases, possesses, or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length; (1-a)8, carries or possesses any firearm or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged; (1-a)9, carries or possesses, in a vehicle or on or about his person any pistol, revolver, or firearm, when he is hooded, robed, or masked in such a manner as to conceal his identity; (1-a)10, carries or possesses in a vehicle or on or about his person within the corporate limits of a city, village, or incorporated town, except when on his land or in his own abode or fixed place of business, any loaded pistol, revolver or other firearm. [The statute, section 24-2 provides exemptions for law enforcement personnel, the military, et cetera.]

In addition, section 24-3.1 prohibits given classes of persons from possessing guns at all [minors, persons with criminal records, narcotics addicts, et cetera.].

Most of the crimes described in these sections are misdemeanors which can be punished by jail terms up to 1 year. When offenses under these sections are charged in the city of Chicago, they are referred



to branches of the First Municipal District of the Circuit Court of Cook County. The branches which usually receive these cases are numbered 26 and 27. All cases initiated in the northern one-half of the city are assigned to Branch 27 and those in the southern one-half are brought to Branch 26.

Both of the courts that handle gun cases are located in the police department's central headquarters building at 1121 South State Street. It was decided to take a sample composed of a cohort of defendants charged with gun offenses during a limited period and track all of their cases through to disposition. An examination of statistics generated by the gun courts disclosed that during the month of January 1974, 2,873 complaints were handled. Given that volume, it was determined that gun arrests for a 4-day period, including a weekend, would generate a sample of sufficient size to give a fair picture of the enforcement and administration of gun laws in the city.

The period which was selected for the sample began on Thursday, March 14, and concluded on Sunday, March 17, 1974. An attempt was made to identify all misdemeanor gun charges which were filed during that period. Police department's arrest transmittal sheets were examined for both the gun courts and the Holiday Courts.<sup>1</sup>

Cases which are assigned to Holiday Court are eventually transferred to an appropriate branch court for further processing, e.g., misdemeanor gun cases originally brought to Holiday Court would be transferred to either Branch 26 or 27 for disposition.

As was expected, more charges were filed than there were defendants. This is explained by the fact that multiple charges against a single offender is quite common. For example, in the month of January 1974, while 2,873 gun charges were filed, only 1,083 defendants were involved.

The complaints that are used to initiate the court proceedings are prepared by the police officers. Not infrequently a police officer may be uncertain as to which of a variety of charges would be applicable to a particular defendant. It has apparently been the practice in such cases for the police officer to prepare complaint forms charging the offender with several offenses, trusting that the prosecutor will select the appropriate charge from the complaints filed and see to the dismissal of the remaining cases. Given the nature of the charging process, the disposition of option charges would not fairly reflect the efficiency of police officers in preparing cases for the prosecutor, or the relative skills of prosecutors in their handling of them. It was therefore decided that the study would focus on the accused. Only one disposition was counted for each offender. If a decision was made to prosecute more than one of the charges filed by the police and only one of the charges resulted in a conviction, the conviction's disposition data were used in the sample. If an offender was convicted of more than one offense, the data for the most serious of the several offenses was included.

In all, 73 defendants were included in the sample. Each of the cases was tracked through the criminal process from its date of inception.

<sup>1</sup> The Holiday Courts are available to deal with the question of pretrial release for persons taken into custody on a weekend or other holiday when the courts are not regularly in session.

The data reported reflects the status of the cases in the cohort as of November 14, 1974. Therefore, each of the cases in the sample were 8 months old at the time they were reported into the study. It was believed that it was likely that an incubation period of 8 months allowed a fair opportunity for the determination of most misdemeanor cases. As the report will reflect, just over 5 percent of the cases in the sample were still open and pending on November 14.

Problems in collecting complete data became apparent quite early in the study. But as the problems that prevented the study from being as complete as it might have otherwise been also affect the administration of the gun laws in the city of Chicago—they too are worth reporting.

The courtrooms—Branches 26 and 27, are located in the Chicago Police Department's Central Headquarters Building. The room occupied by Branch 27 is what one would expect of a metropolitan police court. An elevated bench has been placed at one end of the room. There is a bar and spectators benches that would probably be sufficient for the number of cases assigned to that court. However, the spectators, witnesses, victims, defendants, et cetera, interested in proceedings in either of the two branch courts use the seating in Branch 27. This is necessitated by the fact that Branch 26 is located in an anteroom located to the rear of Branch 27. The size of the room is somewhat smaller than the judge's chambers attached to most other courtrooms in the county. The judge's bench consists of a metal table which he shares with both the prosecutors and clerks assigned to the court. There is no space in the room for persons other than those appearing in a single matter.

The resulting clamor of both personnel and participants that are generated by two fairly large sized court calls makes it almost impossible for the researcher to pick up all that is said in the course of the proceedings. The apparent confusion probably goes beyond incapacitating the outside researcher, and probably affects participants in the proceedings as well. The records officially kept within these two courtrooms are perhaps the least adequate of any that have been found in recent studies by this crime commission which have used court records. Not infrequently, discrepancies were found between the notations of the orders entered in a matter found on the daily call sheets maintained by the clerk and the entry made on the official case file. In addition, it was impossible to determine from the record whether or not a defendant was represented by counsel in a matter. Although the present rule of court requires that counsel appearing in a matter must file a formal record of his assumption of responsibility before proceeding: observations in the courtroom were sufficient to document a substantial number of instances where private counsel have proceeded in matters where no official record of their participation could be found.

It was impossible, therefore, to report the disposition of the cases in the sample in relation to the characteristic representation by counsel, or to measure any differences in result that might be attributed to the use of private versus appointed counsel.

It was also not possible to deal completely with the effect of motion practice. The cases such as included in our sample, where possession of a given commodity, in and of itself, would convict, would probably

include motions testing the legality of the means used to discover the commodity. The practice in the gun courts is to allow motions to be made without written documentation. This fact, together with the unreliability of record entries as to the nature of the order entered, made it impossible to collect complete information on motion practice as it may have affected the sample cohort.

The sample consisted of 73 defendants. Eight, or 11 percent of our cases involved persons who were charged with unlawful possession of a firearm by virtue of their failure to have a valid gun owner's registration. The remaining 65 cases charged unlawful use of weapons.

The cases of more than one-half of the defendants, 59 percent, were disposed of on the State's motion to strike the matter from the court's call. This motion to strike with leave to reinstate may be made for a variety of reasons:

1. The charge being stricken is a surplus charge. A police officer may have been unable to choose between several charges that might be applicable to the case. He may file complaints for each of the charges that he thinks may be relevant and allow the prosecutor to choose between them. When the prosecutor reviews the charges pending against a defendant, he may select the complaints that he believes are appropriate, and ask the court to strike the remaining charges.

The effect of this kind of motion to strike has been nulled in our report by viewing our cases in terms of a defendant rather than as a number of charged offenses.

2. The State is willing to accept a plea to a substituted charge, at which point the original charge may become surplus. Again, the effect of the substituted charge is nulled, because it is only when no charge against a particular offender survives that the disposition was included in the "SOL" category.

3. As a result of a pretrial motion, evidence against an offender may no longer be available. The State, doubting its ability to convict, may move that the charges against the accused be dismissed.

4. State witnesses may fail to appear over a period of time, or the evidence needed to prosecute may not physically be available.

5. The prosecutor may not concur with law enforcement judgment that the case warrants prosecution.

Although we were not able to determine the reasons underlying the motions to strike in our sample, the number of defendants whose charges were disposed of in this manner leads to the conclusion that in the majority of gun cases brought in the city:

1. The State is unable to maintain sufficient control during the period from arrest to trial over the evidence needed to convict. This lack of control may be produced by delays in the process which result in loss of witnesses. Another explanation might be lack of communication with the agency responsible for bringing physical evidence to the court.

2. There is a failure in communication between law enforcement and prosecutorial agencies as to what kinds of circumstances will support gun charges.

The following table describes the method by which the defendants in our sample were disposed of:

Kind of disposition	Number of defendants	Percentage of sample
Charges stricken on the motion of the State.....	43	59
Defendant entered a plea of guilty to either the original or a reduced charge.....	14	19
Defendants tried by the court without a jury.....	4	5
Defendants forfeited bonds and are still at large.....	7	10
Cases open as of Nov. 14, 1974.....	5	7
Total.....	73	100

It is abundantly clear that if one is to be found guilty of a gun charge, he is probably going to plead guilty. In our sample of 73 defendants, only 15 persons were found guilty of an offense, 14 upon their own pleas of guilty. The single remaining defendant that was found guilty of a gun crime was convicted following a bench trial, one of a total of four conducted in the March cohort.

It appears then that an exceedingly small percentage of persons charged with gun offenses are ever convicted of the offense, 20 percent, as compared with a 55 percent rate for charged felonies. This finding would again reinforce the view that prosecutors are either incapable of successfully determining these cases or there is a failure in articulation between the police agency that brings the alleged offender to court and the prosecutors responsible for presenting the State's position.

A frequently articulated rejoinder from judges interviewed in the course of the study was: Most of the defendants in these gun cases aren't criminals. They are businessmen on their way to make bank deposits and women returning from evening jobs to their inner city homes. Our analysis did not support this position.

The large percentage of the persons accused of gun offenses are familiar with the criminal justice system. Of the 58 defendants in the sample who were either convicted or whose cases were stricken by the State's motion, 48 percent had either prior felony or nontraffic misdemeanor records. [Criminal record as used in this study refers to a record of a prior conviction of a crime.] Forty-two percent of the guilty and SOL groups had previously been convicted of gun charges. One of the defendants in the group had been charged with the unlawful use of a weapon five times and had never been convicted. It is of interest to note in the case of this particular individual, that the unlawful gun charge against him was stricken on the motion of the prosecution, just as had the four previous gun charges that had been made against him over the preceding 3 years. A footnote to this particular individual's case was his indictment for murder 5 months after his case was dismissed. The kind of problem in coping with gun laws that is presented by this case is underscored by the findings that 6 persons in the sample accounted for 17 prior gun charges. While it is fair to contend that without a conviction there is lacking sound evidence that a criminal act has been committed, it is also reasonable to assume that there is some relationship between multiples of charges over a short period of time and an affinity to the use of weapons. Again, if the use of weapons brought to the attention of the State by police

agencies, do not meet criteria for prosecution, and this condition is found to persist over a period of time, it can only be concluded that there is lacking essential communication between law enforcement and the prosecutor.

Some reasons for the lack of effectiveness of our gun laws may be:

1. Our judges, given the other kinds of matters that are brought before them, don't consider gun charges as being serious.

2. The system decisionmakers don't consider gun charges as important given the low priority that these charges seem to be at in relation to assignment of court space and adequate numbers of personnel. Crowded cafeteria style courts, with a limited number of personnel must, in the minds of those accused, detract from the importance of charges against them.

3. The observation that 60 percent of the defendants dismissed out of hand without consideration of the merits of the charges brought against them may mean: (a) police are inept in charging, since they may be charging the wrong people; (b) prosecutors are inept in that they cannot effectively conclude the prosecution of persons charged with offenses; (c) police and prosecutors don't work effectively together, or (d) the conditions under which gun control laws are to be enforced don't lend themselves to local enforcement efforts.

The low probability of conviction would appear to undercut any reinforcement against the use of firearms that present laws would theoretically provide. Detracting further from the deterrent value of gun laws is the apparent lack of seriousness of violations as perceived by sentencing judges. Only one of the 15 persons found guilty of a gun offense was sentenced to a jail term; although two additional defendants who pleaded guilty were given sentences equivalent to the time that they had already spent in jail awaiting release on bail or trial. Six of the convicted persons were given a form of probation, and two more were fined. The remaining four that were found guilty were given court supervision. Court supervision is a form of sentence not officially recognized by law in Illinois. It, in effect, is the deferring of the finding of guilty in a criminal case, against a long continuance, usually a year in length. The assumption is that if the offender stays out of trouble during the intervening year, the conviction will not be entered, and the case against him will be dismissed.

Further evidence of the lack of seriousness with which judges appear to view gun cases was found during an interview with one of the judges responsible for gun court. He opined that the stigma of conviction was sufficient punishment in most cases of this kind. It appears, however, that the number of persons who appear to repeat gun offenses suggests general knowledge of the leniency in the administration of gun laws does not deter. It might even be suggested that given that a large percentage of the persons charged with gun offenses have prior criminal records, and that they prefer to carry a gun rather than to go unarmed, a low probability of being apprehended on a gun charge by the police and a relatively low probability of conviction, coupled with the knowledge that a small fine or inobtrusive probation program is all that is to follow the unlikely possibility of conviction is not likely to dissuade the gun law violator. The maximum foreseeable cost of a fine and a minor conviction added to a long criminal history is a price that the

gun law violator may well be willing to pay for a franchise to carry a gun.

Mr. CONYERS. Very interesting, as they say.

I would like to raise a couple of questions and let me put the smaller question first.

Could it not be that in some of the cases that you cite in which the gun charge is dropped constantly, that that could be a result of the fact that other charges are sustained against the defendant?

Mr. SCHILLER. Mr. Chairman, we only counted the case as being a case, as being completed, disposed of without any action when all charges were dropped.

Mr. CONYERS. I see.

Mr. SCHILLER. We looked at each defendant as a unit. If he had four or five charges made against him and three were dismissed and one was reduced, it was still counted as the processing of a case, of a unit.

Mr. CONYERS. I see, very good.

Mr. SCHILLER. Excuse me, Mr. Chairman. The thrust of your question, as I understand it, let me just say that the gun courts in Cook County serve only to handle cases where guns are found. Other charges against the defendant would be handled in a felony court.

Mr. SCHILLER. That is right, where there was something to do with felony charges.

However, note was taken of the disposition of those charges and as I said, the accused person was always looked at as a unit.

Mr. CONYERS. Let me raise this question because you have made it very clear that perhaps gun offenders are weighing the probability of what may happen to them even if they are caught. What about the fact that we sanction, as a business policy, the manufacture of millions of guns every year, some of which go into perfectly legal commerce, another part which is siphoned off and goes into illegal commerce, and another part in which the Federal Government approves of U.S. businessmen buying foreign weapons and sometimes our own military surplus weapons to bring back into the country? In most of this legislation, we are asking the citizen that is at the lowest end of the line of commerce to be restrained when, in fact, we have hundreds of millions of weapons already in this country, and millions more coming in annually; we look in the other end of the telescope and say: "OK, 'Citizen X,' you really know that you ought to be doing this."

It seems to me that that may take us a little bit out of focus. I keep thinking of not only the statistics you have recited but also, how many instances do we have when the prosecution, for its own reasons, determines not to even bring a case that you can measure? You may not even have a record of it or when the police, at their own discretion, decide that a concealed weapon offense is not serious enough in their judgment to even bring to the prosecuting attorneys' attention.

So the point that I am left to wrestle with—which is not in opposition to your essential remarks, but seems to be—and which seems to require some modification is: What about this healthy commerce in guns in which nobody receives any scornful criticism, where nobody is suggesting that anything be done at any other level, where there is little attention given to the existing Federal law and its administration?

Would you, please, both of you, discuss that?

Mr. SCHILLER. Well, I think, Mr. Chairman, you have a filtering effect and clearly the example set at the top doesn't really support active enforcement of gun laws at the bottom.

Going directly to the observation that you made, while we didn't look at the object, perhaps couldn't look at the cases where a policeman makes a decision on the street not to bring a charge.

However, we couldn't see those decisions made, but based on analysis of police street work, which we do from time to time, we know that police exercise a great deal of discretion on the street and it is precisely in the kind of case that I described before, where you find an inner city businessman transporting his evening proceeds to a depository.

Now, that is exactly the kind of a case that the police officer would allow the citizen to pass or give him a pass on. Now, I am not passing on the propriety of this decision because clearly if the law is on the books, it ought to be enforced. If it is to have exception, then the law should recognize those exceptions.

When you start developing exceptions through artful endeavor, unsupported by published policy, you begin again to deprecate the importance of these laws in all people's minds.

Where do you stop?

Clearly the citizen who is making this trip to the night depository would have a lot of public sympathy if he were arrested and charged with a serious gun violation, a class 4 felony, or a class A misdemeanor. Yet again, if we don't enforce it in that kind of a case, where are we going with the other kinds of cases where the citizen that may not fall into our better than 50-percent group of gun cases that the offender hasn't been found guilty before, and they say, "Why me? You gave the businessman a pass."

We need some consistency in our policy on guns and that is one of the reasons that Congress has to consider perhaps preempting at the Federal level.

Mr. SCHOOLER. May I offer a comment?

Mr. CONYERS. Yes.

Mr. SCHOOLER. Mayor Daley this morning made an interesting observation which I concur with, and that is when he said that guns are manufactured only to be used—handguns are manufactured only to be used and added to that, I suppose, it could be said either defensively or offensively.

Now, we are talking really, I suspect, about the offensive use of the gun and putting aside the law enforcement use of the gun.

However, it is an interesting observation and I believe that the average professional criminal, the armed robber, who is a repeater 3, 4, 5, 10, 15 times for armed robbery and too often not in the penitentiary even at that; recognizes that there are certain inherent risks in his trade.

Now, his trade is armed robbery and he recognizes these risks and recognizes further that the relatively limited risks, particularly when it comes to any kind of a sanction against the use of a gun, and I suspect in all deference to the position that members of this committee and Members of the Congress hold, you were elected because of your wisdom and you have got a difficult job here, it seems to me, to find that narrow line between offensive and defensive use of handguns.



It further seems to me that we must, as the acceleration of the use of handguns increases, we must find a way to control or rather, if you will, to add to the punishment that is given to men who use guns offensively, nonenforcement people.

Now, that is a difficult job, I recognize, but I think it is of paramount importance.

Mr. CONYERS. Well, that is what we are here for and you have helped a great deal, I think.

This Crime Commission, I think, is an extremely important and unique body. I only wish more large metropolitan areas had one like it.

I would like to yield at this point to Mr. McClory.

Mr. McCLORY. Well, I am sure we don't want to argue with you, Mr. Schooler, that we were elected because of our wisdom.

Mr. Schiller, I judge that the analysis that you made with respect to this, they all involved gun cases and, now when you mention that there were three or four charges against a particular violator, they were all gun charges, were they not?

Mr. SCHILLER. In some cases, yes.

In some cases, as Mr. Schooler indicated, the gun charge was an accompanying charge to something like an aggravated assault case, an aggravated battery case.

Mr. McCLORY. Did we find cases where they dropped the gun charge then and prosecuted on the nongun charge?

Mr. SCHILLER. Yes, if it was a serious felony; for example, armed robbery, it was quite likely that the gun case would be dropped, not in favor of, but I guess in substance in favor of the State prosecution of a robbery case.

Mr. McCLORY. Now, these cases that you examined where you said the judge administered justice over a card table or something resembling a card table, they were nonjury cases and that is with the cases being submitted to the judge for a decision?

Mr. SCHILLER. Very few cases were submitted to the judge for a decision.

I would guess somewhere in the area of 4 or 5 percent of all of the cases were submitted to the judge for decision. Most of the cases were stricken on the motion of the State.

The judge's role was to conduct bench trials but also to preside over preliminary motions.

Mr. McCLORY. Now, this is sort of an informal hearing that he gives in which they sort of adjust the charges and sometimes adjust the plea in order to dispose of the case?

Mr. SCHILLER. Yes.

It has to be informal because, as I said before, the State has had virtually no opportunity to talk to the prosecution and/or to talk to the police officers, the witnesses for the State, and so all of that takes place contemporaneously with the court handling the preliminary part of the case.

Mr. SCHOOLER. Congressman McClory, may I add an addendum to that comment?

I don't believe that Steve Schiller's comment about the card table is a pejorative one.



Mr. SCHILLER. It is literal.

Mr. SCHOOLER. Yes, and if it is pejorative at all, it is against the system.

People who are carrying guns illegally are committing a serious crime. They are in a small room loaded with people with a card table as a bench and they get the feeling that it is not too serious a crime.

Mr. McCLODY. That is branch 27?

Mr. SCHOOLER. Twenty-seven.

Mr. SCHILLER. There are two.

Mr. McCLODY. You said that one is a courtroom where it had a bench and it had counsel tables and it had room for spectators and then the other one is this sort of a card table arrangement.

Mr. SCHILLER. Yes.

Mr. McCLODY. And which is which, now?

Mr. SCHILLER. Let me make sure that I have it straight.

I think it is branch 27, that is the card table court.

Mr. McCLODY. Yes, that was my recollection of your testimony.

Mr. SCHILLER. The spectators for that branch would, of course, sit in the spectators' seats or with the people awaiting disposition of their cases for branch 26. They would sit in branch 26, so you have accused persons, police witnesses, other witnesses, and all of the spectators all sitting in a courtroom, designed to take one call and you have two calls, you have two clerks calling the cases.

Mr. McCLODY. These are State courts?

Mr. SCHILLER. Yes, all of them.

Mr. McCLODY. This is not the municipal court of Chicago?

Mr. SCHILLER. Well, the municipal court of Chicago has been absorbed into the State court system.

Mr. McCLODY. It has been integrated?

Mr. SCHILLER. Yes, sir. It is a division of the circuit court of Cook County now.

Mr. SCHOOLER. The new Constitution obviated the municipal court.

Mr. McCLODY. Would that have formerly been the municipal court of the city of Chicago then?

Mr. SCHOOLER. Yes.

Mr. McCLODY. Are these courtrooms at 11th and State?

Mr. SCHOOLER. These particular two courtrooms are.

Mr. McCLODY. In all or most of these cases, are the defendants represented by counsel?

Mr. SCHOOLER. It is a very, very difficult thing to ascertain.

As I said, the records are almost totally useless. There is a rule of court that all defense counsel, all defense counsel appearing in criminal cases including misdemeanor cases, must file a written appearance, a written appearance which contains an oath that the case has not been solicited.

This rule is honored by its breach in these particular courts. It is almost impossible to tell from the records.

Mr. McCLODY. Let's see what the situation is in this respect and I would like to just sort of visit with you for a minute to see in what respect the Federal Government can play an important role in improving this situation.

Now, obviously, we are not going to impose Federal jurisdiction with respect to all of these cases and have a Federal court take care of what is essentially a municipal problem.

However, I would say that this hearing by a committee of the Congress focusing attention on this subject is an important Federal function insofar as this is concerned.

I would say that we do not agree that expanding the authority of the Law Enforcement Assistance Act to authorize grants to study the administration of justice with respect to gun control ordinances or the administration of justice with regard to offenses involving the use of a gun, that could help focus attention on this subject and make the study for instance available nationwide for the benefit of the entire judicial system.

Mr. SCHILLER. This, I suppose, is one approach; however, I don't think this card table courtroom is as significant in a jurisdiction where you have many courtrooms, many judges presiding with simple kinds of motions at card tables, but that is not the case.

It would be, I think, of more significance or if less significance if our prosecutors were less effective at this level than in other courtrooms. I think it would also be less significant if our judges felt that other offenses were of low level of seriousness as these offenses but I am sure the offender, the person who has accused him and many of them have had previous brushes with the law, have some knowledge as to what the courtrooms that handle other kinds of cases look like, what the State's preparation of those other kinds of cases look like.

I have a sense that they know how to do it, the prosecutors, how to prepare cases when they attach a great deal of importance to the prosecution of a case and judges know how to proceed when they attach a great deal of importance to the offenses.

Here we have a class of offense where the minimum sentence available under law is very rarely used, even when a decision is made to use imprisonment.

Mr. SCHOOLER. In other words, the judge disobeys the law.

Mr. McCLORY. Well, the question that arises in my mind is: What does the Federal Government do about that? What does the Federal legislature do about that?

Mr. SCHOOLER. Excuse me, Congressman, we could have the strongest, the best gun control law in the city of Chicago or——

Mr. McCLORY. Right.

Mr. SCHOOLER [continuing]. Or throughout the United States and it would be relatively meaningless.

Mr. McCLORY. Yes.

Mr. SCHOOLER. When a man is brought to gun court, he is given a strike on the hand. The gun is confiscated and he takes an elevated 30 minutes to the west in the suburbs which abut Chicago, and where it is legal to buy another gun. I mean it is insane.

Mr. SCHILLER. There is another dimension to it, also.

As I said, most of these laws and perhaps most of these offenses that accompany the use of the guns, and Professor Block referred to and other witnesses have referred to are offenses that are characterized by the use of a weapon that lend themselves very nicely to concealment.

It is convenient to use, it is cheap to manufacture or relatively cheap to manufacture, and without indicating an option that I have thought about with respect to control of guns, perhaps there are some kinds of guns that lend themselves more peculiarly to concealment, to easy availability than other kinds of weapons.

Now, if you just start taking them out of the pipeline or make them less available throughout the country, perhaps you have got something that might be of assistance to Chicago.

Mr. McCLORY. Well, we already enacted a Federal law to prohibit the importation of what we call the Saturday night special. It is defined by the Treasury Department. Now, if we, in addition to that law, we would prevent the importation of the parts from which the Saturday night special is assembled, that would be a Federal contribution, would it not?

Mr. SCHILLER. Yes. But there is another dimension again.

You can make nicely concealable weapons in the United States, too, 2-inch barrels—well, I don't want to name any manufacturers, but there are American manufacturers.

Mr. McCLORY. Let's just take it one step at a time. Let's just speak of the importation of the parts for assembly here; if we banned that, that would be one step.

Mr. SCHILLER. Certainly.

Mr. McCLORY. And the manufacture, sale and so on of the Saturday night special in the United States, if we were to make that a Federal offense or to outlaw the Saturday night special entirely.

Mr. SCHILLER. One of the problems that Mr. Schiller alluded to is the definition of the Saturday night special. The generally accepted one has to do with the melting point of the metal used. If, whatever it is, it is 2° more, all of a sudden there is a Sunday night special.

Mr. McCLORY. We will have to get to that when we get to the testimony of the Alcohol, Tobacco, and Firearms Division.

Now, just in sort of a general concept, Federal leadership, Federal concern, Federal guidance or guidelines, whether it is the form of a national handgun registration law or something to assist in the identification of handguns that are used in connection with the commission of crimes, would that kind of an approach be helpful as far as the local situation is concerned?

Mr. SCHILLER. I think it would, but registration laws have—everybody has observed don't work. Most crimes seem to be committed with unregistered weapons.

I think a recent study was done in New York City that indicated that a small percentage of these were registered weapons. I suppose it becomes easier to live with than unregistered weapons if the decision to provide for registration is just a matter of local policy.

If it is a matter of national policy, perhaps it becomes a little more difficult to live with the thing. Now, these things are clearly contraband and dangerous to have around from the owner's point of view.

Mr. McCLORY. Do you have any other recommendation with regard to Federal legislation?

Mr. SCHILLER. Well, we were talking about an easily concealable weapon as being the one that creates most of the problems. I suppose

there are weapons, even handguns, that are less concealable than others and these things go to different dimensions.

Now, the shotgun is legal to have, but if it is under 18 inches, then the definition for a sawed-off shotgun, it fits it, and it makes it contraband.

Maybe there could be some additional criteria that could be developed.

Mr. McCLODY. They import a pistol with a fairly long barrel, which is lawful to import, but then they take it to a gunsmith or someone and they cut off part of the barrel and it then becomes a weapon easy to conceal.

Now, that should be unlawful, too.

Mr. SCHILLER. Yes; it then will become a weapon that should be unregistrable and unpossessable, whether at home or at a place of business.

Mr. McCLODY. We don't have a Federal registration law. We don't have the capability of registering or not registering.

Mr. SCHOOLER. Congressman McClory, I had occasion several months ago to discuss this matter with Mr. Kelley, the Director of the FBI. Now, I don't presume to quote him directly, but out of the discussion came a suggestion that I have given a good deal of thought to.

You said that there are other alternatives and one might be, and I think this morning our State's attorney indicated that he wasn't in favor of this, and I am not sure that I agree with him, and that is a mandated sentence for all crimes that are committed with guns.

Anyone who commits a crime is obviously caught and if he is caught, should be sentenced, if proven guilty, but if the crime is committed with a gun, there should be a mandatory sentence conceivably because—or just because there is a gun being used.

This seems to me to be one alternative that could be examined.

Mr. McCLODY. Well, what about the judge that violates the laws? Do we have a sentence for him?

Mr. SCHOOLER. I am all in favor of sentencing judges that violate the laws.

Mr. ASHBROOK. I had a note to contrast what you said to what Mr. Carey said and he gave a very able presentation, but I think a little bit of his response was that he has dealt with the juries, I am sure, and knows some of the thinking of juries, that where they are confronted with the prospect of mandatory sentencing, they sometimes will just throw it all out and while he didn't say flat out that he was against it, he feared that possible aspects of the mandatory sentence.

Now, from what you and Mr. Schiller have presented, the other side seems to weigh so much heavier in favor of a mandatory sentence.

I just wonder if among the proposals that you are suggesting—Mr. Schooler is on record as saying that and Mr. Schiller, what do you think?

Mr. SCHOOLER. To be sure that there is no misunderstanding, I said it is an alternative to examine. I don't have the wisdom to suggest that this may be the answer.

Mr. ASHBROOK. It is probably a lot better than the situation that Mr. Schiller documented in his testimony, of a type of a situation that you have in court.

It is one of those things we have to weigh and it is very hard to come to any absolute conclusion but do you have an opinion on this, Mr. Schiller?

Mr. SCHILLER. Yes.

Doctrinally, I am not happy with the idea of mandatory sentences. I think even given a certain defined behavior, that there are differences in people and I think the court ought to have the wisdom, and use the wisdom, to choose between these differences within carefully developed guidelines and I think our statutes have developed some guidelines for sentences.

Unfortunately, I have to report that on the basis of another study that the Crime Commission did with respect to sentencing behavior of our judges, we find that over 93 percent of our felony cases where sentences are entered, the judges excused presentence investigation.

So they are operating just on the basis of the representations of two advocates with no independent information as to what this individual is, what sort of a quality he represents in the community and thus he is really at a disadvantage by not knowing what sentencing alternative is appropriate in this particular case.

I would rather see our judges approach sentencing with a good deal more care.

Mr. ASHBROOK. Well, there has to be some public reason for all of this, and I think we are getting a little bit closer to it in your statement.

If, in an area of high crime, in an area of many murders as a matter of fact, as I see the statistics, 20 percent of all the murders in the country are in four cities and if this is the prevailing attitude in an area where you do have a high incidence of crime, think of how much you run against the grain in the rest of the country where I come from, where the gun really isn't a problem.

I guess I am astounded as a person who comes from an area where a gun is not frowned on, is not rejected or is not considered to be something you want to get rid of. I could understand why that attitude would prevail in Chicago, but if it doesn't here, I think it probably indicates the lack of a general sympathy in the country notwithstanding some of the polls.

I think we are just talking about commonsense.

If there are crimes on the book and it is already illegal and obviously a serious crime, a robbery, an armed robbery, bank robbery, murder, and on a relative scale you put ownership of a firearm, even if we pass the bills we are talking about, it is going to be on a much lower level and I never can quite understand the psychology of saying that a lesser crime is going to prevent the higher crime.

If a person is willing to take a chance of a life sentence for a serious crime, I don't think 6 months or 1 year in jail for the possession of a firearm is going to be any deterrent at all, and if anything, you make in your testimony and maybe you didn't mean to, but it certainly makes the point to me that registration of firearms just is not that much of a deterrent.

I don't know, maybe you didn't mean to say that, but that simply comes through in what you said.

Mr. SCROOLER. I guess it depends on whose ox is being gored, Congressman.

Mr. ASHBROOK. Well, you said there was an obvious lack of effect under present laws and Mr. Schiller said gun laws are totally inadequate, and I don't know how much further you want to go.

Mr. SCHILLER. The local registration policy evidently doesn't work. We know that from Chicago's and New York's experience.

Going back to the point that you made about: Well, why provide a minor crime when a major crime involving the substance of that minor crime could provide a sentence that ought to really persuade people not to participate in that type of conduct.

Mr. ASHBROOK. If there needs to be a deterrent, yes.

Mr. SCHILLER. Well, I harken back to an expression of police officers who I worked with in the course of my research, an expression that they have used. They have identified situations or people or where certain dynamics are present, as "Accidents on their way to happen somewhere." And I think our law has, from time to time, recognized what the component parts or what the dynamics are that are likely to produce serious conduct and have interposed to provide crimes or a regulatory scheme to keep the dynamics from producing what might be believed to be a national consequence effect.

Now, handling dynamite and other dangerous procedures are covered by a regulatory statute. If the small, concealable handgun is established as being dynamic which by its presence in the city, concealed on the person of an individual produces a high probability of serious injury to people, then perhaps we ought to look very, very carefully to means for controlling at least one of those dynamics before someone gets hurt.

Mr. SCHOOLER. Congressman, we are talking about a country with well over 200 million people. The best statistics I have seen for the number of handguns in the United States is in excess of 40 million.

I am not very good at arithmetic, but I think that is somewhere around 20 percent and if you assume that a number of these people have more than one handgun, what they are talking about is 10 percent of the population that have handguns.

I can't believe that that size, that quantity of handguns are totally used for sport or that that quantity of handguns are totally used for defensive purposes.

I must believe, just on the sheer weight of the statistics, that too many of these handguns are being used offensively and by the nefarious elements in the community to scare the be-Jesus out of the people being held up.

Mr. ASHBROOK. Of course, those are the ones that we want to get to, but we don't get them by making a law-abiding citizen register.

Mr. SCHOOLER. Of course, I haven't heard any other suitable suggestion other than that and that is the exact, exactly the horn we are on.

Mr. ASHBROOK. Short of confiscation.

Mr. SCHOOLER. Which I don't certainly suggest.

Mr. ASHBROOK. Thank you.

Mr. CONYERS. Gentlemen, you have added. I think, a new dimension for us to worry about. You have accused us of being thoughtful and deliberative and you have expressed a confidence that we will come up with a solution, so we feel further charged to continue this interrogation and exploration.

In the meantime, we would welcome any further suggestions that you might want to share with the subcommittee and, if you will send them to me, I will make them available to my colleagues on the subcommittee, and also include your preliminary examination dated January 1975 for the record, because all of the members have not had the benefit of seeing it.

[The report referred to follows:]

## THE ENFORCEMENT OF GUN LAWS IN CHICAGO

### (A PRELIMINARY EXAMINATION)

Over the last several years there has been increasing focus on the abuse of firearms. It has been conjectured that assaults which would otherwise be non-mortal result in homicides because of the use of firearms. Legislators have considered enacting laws which would have had the effect of eliminating handguns. Most of the efforts in this direction have been reduced however, to the creation of laws that regulate the ownership and sale of handguns.

Presently in Illinois, State law dealing with the use and possession of firearms are organized under Section 24, Chapter 38 of the Illinois Revised Statutes. The ownership of firearms is dealt with in Section 83-2 of the same Chapter.

Section 83 makes it unlawful for a person to possess or acquire a firearm or ammunition within the State without having a Firearm Owner's Identification Card. Section 24 identifies a series of offenses in connection with the use of firearms and other weapons. With reference to firearms, an individual commits the crime "unlawful use of weapons" when he (1-a) 4 "carries concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver, or other firearm;" (1-a) 6 "possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;" (1-a) 7 "sells, manufactures, purchases, possesses or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, . . .;" (1-a) 8 "carries or possesses any firearm or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, . . .;" (1-a) 9 "carries or possesses in a vehicle or on or about his person any pistol, revolver or firearm, when he is hooded, robed or masked in such manner as to conceal his identity;" (1-a) 10 "carries or possesses in a vehicle or on or about his person within the corporate limits of a city, village, or incorporated town, except when on his land or in his own abode or fixed place of business, any loaded pistol, revolver or other firearm." (The Statute, Section 24-2 provides exemptions for law enforcement personnel, the military, etc.)

In addition, Section 24-3.1 prohibits given classes of persons from possessing guns at all (minors, persons with criminal records, narcotics addicts, etc.).

Most of the crimes described in these sections are misdemeanors which can be punished by jail terms up to one year. When offenses under these sections are charged in the City of Chicago, they are referred to branches of the First Municipal District of the Circuit Court of Cook County. The Branches which usually receive these cases are numbered 26 and 27. All cases initiated in the northern one-half of the City are assigned to Branch 27 and those in the southern one-half are brought to Branch 26.

The Chicago Crime Commission undertook a preliminary study of the administration of gun cases in order to learn whether the enforcement of gun laws present a viable alternative to the prohibition of the ownership of handguns.

Both of the courts that handle gun cases are located in the Police Department's Central Headquarters Building at 1121 South State Street. It was decided to take a sample composed of a cohort of defendants charged with gun offenses during a limited period and track all of their cases through to disposition. An examination of statistics generated by the Gun Courts disclosed that during the month of January, 1974, 2,873 complaints were handled. Given that volume, it was determined that gun arrests for a four day period, including a weekend,

would generate a sample of sufficient size to give a fair picture of the enforcement and administration of gun laws in the City.

The period which was selected for the sample began on Thursday, March 14, and concluded on Sunday, March 17, 1974. An attempt was made to identify all misdemeanor gun charges which were filed during that period. Police Department's arrest transmittal sheets were examined for both the Gun Courts and the Holiday Court.<sup>1</sup>

Cases which are assigned to Holiday Court are eventually transferred to an appropriate Branch Court for further processing, e.g., misdemeanor gun cases originally brought to Holiday Court would be transferred to either Branch 26 or 27 for disposition.

As was expected, more charges were filed than there were defendants. This is explained by the fact that multiple charges against a single offender is quite common. For example, in the month of January, 1974, while 2,873 gun charges were filed, only 1,083 defendants were involved.

The complaints that are used to initiate the court proceedings are prepared by the police officers. Not infrequently a police officer may be uncertain as to which of a variety of charges would be applicable to a particular defendant. It has apparently been the practice in such cases for the police officer to prepare complaint forms charging the offender with several offenses, trusting that the prosecutor will select the appropriate charge from the complaints filed and see to the dismissal of the remaining cases. Given the nature of the charging process, the disposition of "option" charges would not fairly reflect the efficiency of police officers in preparing cases for the prosecutor, or the relative skills of prosecutors in their handling of them. It was therefore decided that the study would focus on the accused. Only one disposition was counted for each offender. If a decision was made to prosecute more than one of the charges filed by the police and only one of the charges resulted in a conviction, the conviction's disposition data were used in the sample. If an offender was convicted of more than one offense, the data for the most serious of the several offenses was included.

In all, 73 defendants were included in the sample. Each of the cases was tracked through the criminal process from its date of inception. The data reported reflects the status of the cases in the cohort as of November 14, 1974. Therefore, each of the cases in the sample were eight months old at the time they were reported into the study. It was believed that it was likely that an incubation period of eight months allowed a fair opportunity for the determination of most misdemeanor cases. As the report will reflect, just over five percent of the cases in the sample were still open and pending on November 14.

Problems in collecting complete data became apparent quite early in the study. But as the problems that prevented the study from being as complete as it might have otherwise been also effect the administration of the gun laws in the City of Chicago—they too are worth reporting.

#### PROBLEMS ENCOUNTERED IN DATA COLLECTION

The Court Rooms—Branches 26 and 27, are located in the Chicago Police Department's Central Headquarters Building. The room occupied by Branch 27 is what one would expect of a metropolitan police court. An elevated bench has been placed at one end of the room. There is a bar and spectators benches that would probably be sufficient for the number of cases assigned to that court. However, the spectators, witnesses, victims, defendants, etc., interested in proceedings in either of the two Branch courts use the seating in Branch 27. This is necessitated by the fact that Branch 26 is located in an anteroom located to the rear of Branch 27. The size of the room is somewhat smaller than the judges' chambers attached to most other court rooms in the County. The judge's bench consists of a metal table which he shares with both the prosecutors and clerks assigned to the court. There is no space in the room for persons other than those appearing in a single matter.

The resulting clamor of both personnel and participants that are generated by two fairly large sized court calls makes it almost impossible for the researcher to pick up all that is said in the course of the proceedings. The apparent confusion

<sup>1</sup> The Holiday Courts are available to deal with the question of pretrial release for persons taken into custody on a weekend or other holiday when the courts are not regularly in session.



probably goes beyond incapacitating the outside researcher, and probably affects participants in the proceedings as well. The records officials kept within these two court rooms are perhaps the least adequate of any that have been found in recent studies by this Crime Commission which have used court records. Not infrequently discrepancies were found between the notations of the orders entered in a matter found on the daily call sheets maintained by the Clerk and the entry made on the official case file. In addition, it was impossible to determine from the record whether or not a defendant was represented by counsel in a matter. Although the present rule of court requires that counsel appearing in a matter must file a formal record of his assumption of responsibility before proceeding, observations in the court room were sufficient to document a substantial number of instances where private counsel have proceeded in matters where no official record of their participation could be found.

It was impossible, therefore, to report the disposition of the cases in the sample in relation to the characteristic, representation by counsel, or to measure any differences in result that might be attributed to the use of private versus appointed counsel.

It was also not possible to deal completely with the effect of motion practice. The cases such as included in our sample, where possession of a given commodity, in and of itself, would convict, would probably include motions testing the legality of the means used to discover the commodity. The practice in the Gun Courts is to allow motions to be made without written documentation. This fact, together with the unreliability of record entries as to the nature of the order entered, made it impossible to collect complete information on motion practice as it may have affected the sample cohort.

#### *Sample characteristics:*

The sample consisted of 73 defendants. Eight, or 11%, of our cases involved persons who were charged with unlawful possession of a firearm by virtue of their failure to have a valid gun owner's registration. The remaining 65 cases charged unlawful use of weapons.

The cases of more than one-half of the defendants (59%) were disposed of on the State's motion to strike the matter from the court's call. This motion to "strike with leave to reinstate" may be made for a variety of reasons:

1. The charge being stricken is a surplus charge. A police officer may have been unable to choose between several charges that might be applicable to the case. He may file complaints for each of the charges that he thinks may be relevant and allow the prosecutor to choose between them. When the prosecutor reviews the charges pending against a defendant, he may select the complaints that he believes are appropriate, and ask the court to "strike" the remaining charges.

The effect of this kind of motion to "strike" has been nulled in our report by viewing our cases in terms of a defendant rather than as a number of charged offenses.

2. The State is willing to accept a plea to a substituted charge, at which point the original charge may become surplus. Again, the effect of the substituted charge is nulled, because it is only when no charge against a particular offender survives that the disposition was included in the "SOL" category.

3. As a result of a pretrial motion, evidence against an offender may no longer be available. The State, doubting its ability to convict, may move that the charges against the accused be dismissed.

4. State witnesses may fail to appear over a period of time, or the evidence needed to prosecute may not physically be available.

5. The prosecutor may not concur with law enforcement judgment that the case warrants prosecution.

Although we were not able to determine the reasons underlying the motions to "strike" in our sample, the number of defendants whose charges were disposed of in this manner leads to the conclusion that in the majority of gun cases brought in the City:

1. The State is unable to maintain sufficient control during the period from arrest to trial over the evidence needed to convict. This lack of control may be produced by delays in the process which result in loss of witnesses. Another explanation might be lack of communication with the agency responsible for bringing physical evidence to the court.

2. There is a failure in communication between law enforcement and prosecutorial agencies as to what kinds of circumstances will support gun charges.

The following table describes the method by which the defendants in our sample were disposed of:

Kind of disposition	Number of defendants	Percentage of sample
Charges stricken on the motion of the State.....	43	59
Defendant entered a plea of guilty to either the original or a reduced charge.....	14	19
Defendants tried by the court without a jury.....	4	5
Defendants forfeited bonds and are still at large.....	7	10
Cases open as of Nov. 14, 1974.....	5	7
Total.....	73	100

It is abundantly clear that if one is to be found guilty of a gun charge, he is probably going to plead guilty. In our sample of 73 defendants, only 15 persons were found guilty of an offense, 14 upon their own pleas of guilty. The single remaining defendant that was found guilty of a gun crime was convicted following a bench trial, one of a total of four conducted in the March cohort.

It appears then that an exceedingly small percentage of persons charged with gun offenses are ever convicted of the offense (15/73). This finding would again reinforce the view that prosecutors are either incapable of successfully determining these cases or there is a failure in articulation between the police agency that brings the alleged offender to court and the prosecutors responsible for presenting the State's position.

The large percentage of the persons accused of gun offenses are familiar with the criminal justice system. Of the 58 defendants in the sample who were either convicted or whose cases were stricken by the State's motion, 48% had either prior felony or non-traffic misdemeanor records. (Criminal record as used in this study refers to a record of a prior conviction of a crime.) Forty-two percent of the guilty and SOL groups had previously been convicted of gun charges. One of the defendants in the group had been charged with the unlawful use of a weapon five times and had never been convicted. It is of interest to note in the case of this particular individual, that the unlawful gun charge against him was stricken on the motion of the prosecution, just as had the four previous gun charges that had been made against him over the preceding three years. A footnote to this particular individual's case was his indictment for murder five months after his case was dismissed. The kind of problem in coping with gun laws that is presented by this case is underscored by the finding that six persons in the sample accounted for 17 prior gun charges. While it is fair to contend that without a conviction there is lacking sound evidence that a criminal act has been committed, it is also reasonable to assume that there is some relationship between multiples of charges over a short period of time and an affinity to the use of weapons. Again, if the use of weapons brought to the attention of the State by police agencies, do not meet criteria for prosecution, and this condition is found to persist over a period of time, it can only be concluded that there is lacking essential communication between law enforcement and the prosecutor.

The low probability of conviction would appear to undercut any reinforcement against the use of firearms that present laws would theoretically provide. Detracting further from the deterrent value of gun laws is the apparent lack of seriousness of violations as perceived by sentencing judges. Only one of the 15 persons found guilty of a gun offense was sentenced to a jail term; although two additional defendants who pleaded guilty were given sentences equivalent to the time that they had already spent in jail awaiting release on bail or trial. Six of the convicted persons were given a form of probation, and two more were fined. The remaining four that were found guilty were given "court supervision." Court supervision is a form of sentence not officially recognized by law in Illinois. It in effect is the deferring of the finding of guilty in a criminal case, against a long continuance, usually a year in length. The assumption is that if the offender stays out of trouble during the intervening year, the conviction will not be entered, and the case against him will be dismissed.

Further evidence of the lack of seriousness with which judges appear to view gun cases was found during an interview with one of the judges responsible for Gun Court. He opined that the stigma of conviction was sufficient punishment in most cases of this kind. It appears, however, that the number of persons who

appear to repeat gun offenses suggests general knowledge of the leniency in the administration of gun laws does not deter. It might even be suggested that given that a large percentage of the persons charged with gun offenses have prior criminal records, and that they prefer to carry a gun rather than to go unarmed, a low probability of being apprehended on a gun charge by the police and a relatively low probability of conviction, coupled with the knowledge that a small fine or inobtrusive probation program is all that is to follow the unlikely possibility of conviction is not likely to dissuade the gun law violator. The maximum foreseeable cost of a fine and a minor conviction added to a long criminal history is a price that the gun law violator may well be willing to pay for a franchise to carry a gun.

*The Chicago Crime Commission recommends—*

1. That the Administration of the Circuit Court of Cook County take note of the low level of importance that gun law violations are held at by current judicial personnel.

2. That the State's Attorney of Cook County take steps to see that Assistants assigned to the Gun Courts are properly purposed and supervised as befits the prosecution of a major criminal act.

3. That the Clerk of the Circuit Court of Cook County take steps to see that records are maintained that adequately reflect what transpires in the course of gun cases.

4. That the Superintendent of Police of the City of Chicago and the State's Attorney of Cook County develop a forum to determine why the attrition rate of gun cases due to technical problems is as high as it is and to define and implement the measures needed to reduce case attrition.

5. That adequate court facilities be found for Branch 26.

Mr. CONYERS. Again, thank you very, very much for joining us this afternoon.

Mr. SCHOOLER. Congressman, excuse me—

Mr. McCLORY. Would you just yield for this comment?

The judges, there are three judges who are going to appear a little later on, and I would hope that you at least, and Mr. Schiller would stay here and listen to their testimony.

Mr. SCHOOLER. We work closely with the judges.

Mr. SCHILLER. Just by way of information, we are in the process of doing a more complete study.

The study we referred to was, of course, a preliminary study. We are working on a study which includes the new judges and I believe as a consequence of our preliminary study, some new personnel have been assigned to the court.

Mr. CONYERS. If you would feel better about us withholding the preliminary examination from the record—

Mr. SCHILLER. No.

Mr. CONYERS. Then we will include it.

Mr. SCHOOLER. I presume, or suspect I presume on your kindness, but the work of the Chicago Crime Commission, as a citizens organization, and may I say as its president, that we suggest that the fact that you have invited high school students to attend these hearings, and I have been aware that a number of them have been here is really terribly important.

We compliment you on it and thank you for it. After all, really, it is the future that we are talking about.

Mr. CONYERS. I appreciate that, and I think the subcommittee does.

It wasn't out of any vainglorious or self-seeking or publicity-seeking motives that led us to accept the good offices of this public television station, in which to conduct these hearings.

We think it is vitally and critically important to an informed public that the issues that have brought us here today are thoroughly discussed and explored in the widest participative setting possible.

It was also one of the reasons that led us to come to Chicago. It is clear that we have had a great number of unique experiences going on in Chicago and I will say that I think it makes it logically the first place for us to hold these hearings.

We are going to other cities and we can only hope that we get the kind of cooperation we have received here in Chicago.

So on behalf of the subcommittee, we thank you very much.

Mr. SCHOOLER. Thank you, Mr. Chairman.

Mr. CONYERS. Our next witness is Mr. Andrew Molchan, president, National Association of Federally Licensed Firearms Dealers and publisher of the American Firearms Industry magazine.

We welcome you here, sir.

I note that you are the publisher of American Firearms Industry magazine, that you are a Chicago native and that you have also been associated with the firearms industry in the past and so we have your statement before this subcommittee, which will be included in the record and that will give you an opportunity to make any additional remarks and then allow us to engage in a few questions with you.

[The prepared statement of Mr. Molchan follows:]

**STATEMENT BY ANDREW MOLCHAN, DIRECTOR, NATIONAL ASSOCIATION OF FEDERALLY LICENSED FIREARMS DEALERS**

Mr. Chairman, I would like to thank you and the committee for this opportunity to testify.

The firearms dealers I represent are deeply concerned over the rise in crime. We view its continuance as a threat to our basic civilization.

Our group has previously supported legislation designed to stem the tide of illegal firearms use. For example, last year Congressman Dingell introduced an anti-Saturday-Night-Special bill which our group supported. This year the Bill was reintroduced as H.R. 3773, with greatly increased specifications. We hope it passes. During the last 93 Congresses, there were 19 Bills introduced for greatly increased penalties resulting from criminal use of handguns and firearms. This block of legislation had our support and we regretted it did not pass.

We believe the roots of our present crime problem rest essentially with the breakdown of our urban police forces and courts. All the figures are there in black and white. People are not being arrested for crimes. They are not being brought to trial. And they are not being convicted and sent to jail. Essentially, we view the whole question of firearms as a problem of secondary importance.

We have listened to the arguments of the anti-firearms groups for the last five years. And although their motives are laudable, their understanding of firearms is often negligible. Several unfounded assumptions about firearms have become popular and are widely held. If legislation is based on some of these false assumptions, it would just aggravate an already aggravated situation.

Here are five assumptions which seem to be in vogue and which the committee should examine carefully before making any final recommendations:

1. There is the assumption that firearms are difficult to manufacture. This is not true. If you want a weapon designed primarily to kill people, it can be easily manufactured with simple tools.

2. There is the assumption that the manufacturers of ammunition can be easily stopped. This is not true. Perhaps as much as 40% of the ammunition presently used has been privately manufactured. All the components needed for ammunition, including explosives, can be formulated from simple household items.

3. There is the assumption that the public as a whole (as reflected in quoted public opinion polls) wants strict firearms control. After hundreds of interviews with all segments of the population, I find this assumption doubtful. People are

expressing their anti-firearms opinions as based on an ideal world and not on what their day-to-day practical actions reflect.

4. There is the assumption that the public will register and give up firearms they already possess. This assumption seems to be highly doubtful. Presently there are probably over 100 million cartridge firearms in the hands of the public. And from all indications, they are not going to be given up.

5. There is the assumption that firearms owners, dealers, and manufacturers are only interested in a return to pre-1968 laws and would never cooperate in our common fight against the illegal use of firearms. For many manufacturers and dealers that is not true.

The people with the best understanding about what is happening with firearms are the dealers, distributors and manufacturers. With their help and cooperation serious efforts against the criminal use of firearms might be realized within a few years. Without their help, this already impossible task becomes even more difficult. I sincerely hope that over the weeks to come, the committee gives careful consideration to do this vital factor of support from those parties most closely involved.

#### **TESTIMONY OF ANDREW MOLCHAN, PRESIDENT, NATIONAL ASSOCIATION OF FEDERALLY LICENSED FIREARMS DEALERS**

Mr. MOLCHAN. Thank you. I would like to read the statement, which is actually very short, and then go from there.

Mr. CONYERS. Please do.

Mr. MOLCHAN. Mr. Chairman, I would like to thank you and the committee for this opportunity to testify.

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percent of the ammunition presently used has been privately manufactured. All the components needed for ammunition, including explosives, can be formulated from simple household items.

Three: There is the assumption that the public as a whole—as reflected in quoted public opinion polls—wants strict firearms control. After hundreds of interviews with all segments of the population. I find this assumption doubtful. People are expressing their anti-firearms opinions as based on an ideal world and not on what their day-to-day practical actions reflect.

Four: There is the assumption that the public will register and give up firearms they already possess. This assumption seems to be highly doubtful. Presently there are probably over 100 million cartridge firearms in the hands of the public. And from all indications, they are not going to be given up.

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The people with the best understanding about what is happening with firearms are the dealers, distributors and manufacturers. With their help and cooperation serious efforts against the criminal use of firearms might be realized within a few years. Without their help, this already impossible task becomes even more difficult. I sincerely hope that over the weeks to come, the committee gives careful consideration to this vital factor of support from those parties most closely involved.

Mr. CONYERS. Well, that is why we have you here and we are grateful that you could join us.

Can you tell us a little bit about the dealers association in terms of how many people there are, what you do, what the dues are and so forth? Are there any other comparable organizations?

Mr. MOLCHAN. We have about 6,000 members. They are national, including Puerto Rico and Alaska, and primarily we exchange information of relevance to the dealers in the trade and it is \$10 a year to belong.

Mr. CONYERS. Do you have a monthly publication?

Mr. MOLCHAN. That is our monthly publication which is the main means of communication, yes.

Mr. CONYERS. Are there other dealer associations? I understand there are, what, 150,000 dealers in the country?

Mr. MOLCHAN. There are no other dealer associations.

Mr. CONYERS. This is the only one?

Mr. MOLCHAN. This is the only one.

Mr. CONYERS. OK. Could you at your own convenience, give us any information as to the five assumptions that you have listed in your statement from which we might be able to document the assertions that are implicit in these assumptions that you list?

Mr. MOLCHAN. Any particular one?

Mr. CONYERS. Well, how about all of them?

Mr. MOLCHAN. All right. The first one, there, is the assumption that firearms are difficult to manufacture.

If you want to get down to the most basic item, the only thing you need for a handgun is a pipe and a spark plug and that will do it.

If you are a little more mechanically inclined, actually machineguns are relatively easy to manufacture. They were designed during the war to be produced fast and cheap with a minimum of equipment.

The English Sten gun is basically just two tubes and a big spring. The Israeli Uzi machinegun is—has actually five moving parts.

The Russian burp gun is of such a simple design that the machinegun factory in Stalingrad turned out over 1,000 of them during the Battle of Stalingrad, using hand labor.

Mr. CONYERS. What I am seeking is some documentation. I don't quarrel with the statement that you are making. I haven't any way of certifying it, I haven't had anybody before the committee testify to the contrary.

What I would like to do if we could is to document the five assumptions that you are making. Is that possible?

Mr. MOLCHAN. On the first one, I am not an engineer but I am sure that there are several engineers within the industry who would be more than happy to testify and they would be qualified.

Mr. CONYERS. Right, that is precisely what I would like you to do, if you could, is put together a resource paper or some indication as to how we could verify them.

In other words, what we are trying to do in the subcommittee is to analyze, as carefully as we can, all of the kinds of assertions that have been made that are generally correct, and those that may be as you suggested, fallacious, so that we may have in our hearing record, when we conclude the testimony, statements that can back up or tend to support all of these assertions. We then can move from this compiled body of facts and some fiction toward conclusions that are based on demonstrated, corroborated evidence.

Now, let me just ask you this question. I ask it in good faith, but I think that it is very necessary. You have a pecuniary interest in the gun business, correct?

Mr. MOLCHAN. Yes, that is true.

Mr. CONYERS. So that you come here as more than a disinterested party, even though you are the head of an association.

Mr. MOLCHAN. Yes; that is true.

Mr. CONYERS. For example, the recommendations that would prohibit the manufacture and distribution of handguns would have a direct effect or impact upon you and your member dealers.

Mr. MOLCHAN. Yes, it would, Mr. Chairman, but I think in all fairness you have to admit that most of the people that come here have an interest of one kind or another, on one side of the table or the other.

Mr. CONYERS. Well, I am sure they do, but I think the emphasis is not on whether they have an interest which is what brings all of us here. but it is whether they have a pecuniary interest and I don't say that in a deprecatory fashion.

I just say it so that we understand that, for easily understandable business reasons, you might not want to abolish handguns or the traffic in weapons for any reason, even if it might be otherwise justifiable, because it would directly impact upon the business by which I presume you earn your livelihood.

Mr. MOLCHAN. Well, certainly our association and myself, speaking personally for myself, and I believe that I can speak for our members, sincerity has gotten kind of a dirty image lately, but we are not



going to sit here and say that we want crime to rise in the cities: that we want our cities to be destroyed because it is going to affect our livelihood.

What we are saying is that we don't believe that this approach is right. We believe——

Mr. CONYERS. Which approach?

Mr. MOLCHAN. The approach of looking toward firearms as a major cause.

We view the police force and the courts as the main contributing factor and, of course, if you get down to special interests, when the mayors and when the police chiefs and one thing or the other, and they come here, it is to their interest not to say: "Yes, the reason why we have crime is because my police force and my courts are breaking down."

It is to their interest to say: "The reason why we have crime is because of this other thing, which I don't have any control over."

Mr. CONYERS. Well, have you discussed this matter, as the president of the national organization, with the police authorities in Chicago or throughout the United States?

Mr. MOLCHAN. Primarily with ATF.

Mr. CONYERS. Well, they don't have anything to do with the police departments in the country.

Mr. MOLCHAN. No, we have exchanged some ideas there.

When people talk about a national approach, in that respect I think they may be right.

Talking to several hundred individual police organizations is simply way beyond the scope of our ability. We are a very small organization. We don't have a great deal of money and we simply can't cover that much ground.

Mr. CONYERS. Well, have you ever written the International Association of Police Chiefs a letter, or have you testified before them, or have you even tried to talk with them?

Mr. MOLCHAN. No; we haven't.

Mr. CONYERS. Well, what about the chief of police of the city of Chicago?

Mr. MOLCHAN. No; we haven't.

Mr. CONYERS. Well, he is close by and you must go into police headquarters occasionally on business reasons, I mean, so why can't you talk with him?

Mr. MOLCHAN. It gets to be an administrative and political problem. At this particular time, there is a lot of aggravation within our association and it is difficult to talk to anyone.

Our group is mad, to put it bluntly. The majority of our members are mad and I have a difficult time persuading them that they shouldn't boycott things or turn their backs on things: that the way is to go out and try to find some common solutions but that doesn't always work.

Mr. CONYERS. What about with the courts? You mentioned something about the judiciary also being at fault.

I suppose the same thing would apply there. Is there a reluctance on the part of some of the members to want to express or communicate with the judiciary or any part of it, about how they view this problem?



Mr. MOLCHAN. Well, Mr. Chairman, I am not an attorney and I am certainly not a legal scholar, and the relevant difference in size, I think, I think that is the appropriate action which should be initiated from their end.

We have made it known in cases that we would like to explore common ground and see if something could be done, but we have never had anything coming from their end.

Mr. CONYERS. Mr. McClory?

Mr. McCLORY. Well, thank you.

Thank you very much for your testimony, Mr. Molchan. And you describe yourself as director, is that executive director or managing officer of the organization?

Mr. MOLCHAN. Whatever; floor sweeper, coffee getter, whatever the case may be.

Mr. McCLORY. When was your organization put together?

Mr. MOLCHAN. Just 2 years ago.

Mr. McCLORY. And that would be after—well, subsequent to the 1968 law.

Mr. MOLCHAN. Oh, yes.

Mr. McCLORY. And when you say that you are an organization made up of dealers of firearms, you mean any licensed Federal dealer, I assume.

Mr. MOLCHAN. Yes, that is the qualification you must have. You must have a Federal license.

Mr. McCLORY. Now, as I understand it, you say you represent 6,000 dealers and yet I understand, I think there is something like 156,000 licensed dealers in all now, under the 1968 law.

Have you made contact with the 156,000 dealers?

Mr. MOLCHAN. Yes, sir, we have.

Mr. McCLORY. And you have any views as far as the dealers are concerned?

How do you feel about this sort of minimum standard which we have for dealers; that is, the payment of the license fee and the statement that the applicant has a place of business and I suppose he has good moral character? How do you feel about that?

Mr. MOLCHAN. There is a difference of opinion among the dealers themselves. Perhaps half of them would like to see the regulations increased and the other half would like to see them decreased.

Mr. McCLORY. It is my understanding that perhaps not more than 40,000 really make their living from the sale of firearms, they are dealing in firearms. The others get a dealer's license for some individual accommodation.

Mr. MOLCHAN. Yes.

Mr. McCLORY. More than because they are legitimate—well, maybe I shouldn't use the word "legitimate," but as an actual dealer in firearms. How do you feel about that?

Mr. MOLCHAN. Yes, sir, that is true.

I doubt it is even 40,000. I think 20,000 or 25,000 might be pushing it.

Mr. McCLORY. Would it not be better from the standpoint of your business, your publication and your organization and for the general business of firearms to limit the number of licensed dealers to those that are actually in the business and actually making their living from the business?

Mr. MOLCHAN. I don't know. Is there some logical end to it?

Mr. McCLODY. Well, we have had some testimony about the purchase of firearms in the South, South or North Carolina, and the shipment of those firearms to New York City and that sort of thing, and then the question is raised, whether or not those dealers who traffic in the firearms in either North or South Carolina, wherever it is, are not the kind of arms dealers that were contemplated by the Congress when we enacted the 1968 statute.

Mr. MOLCHAN. I see.

Well, you don't have to be an FFL holder to buy guns, accumulate some and transfer them from one part of the country to the other.

In fact, legally, I think a person would be safer if he didn't have an FFL license, if he did it as a private citizen.

The FFL license requires that he go through certain recordkeeping and certain procedures and if he doesn't do it, then he is in violation.

As a private citizen, you wouldn't have to worry about that.

Mr. McCLODY. You are not finding fault, though, with the Federal law the way it is?

Mr. MOLCHAN. The Federal law, as it stands, I think, has been more or less accepted by the dealers and the industry.

Mr. McCLODY. It might improve it to make it more strict insofar as dealers are concerned.

Mr. MOLCHAN. Well, it would certainly—we certainly know that there is a lot of room for improvement in this area.

Mr. McCLODY. Now, you have a monthly publication, do you?

Mr. MOLCHAN. Yes.

Mr. McCLODY. Would you mind furnishing the committee with samples of your monthly publication?

Mr. MOLCHAN. We can do that, yes.

Mr. McCLODY. Are you or are any of your directors registered as lobbyists in Washington? Do you know?

Mr. MOLCHAN. Not at this time, no.

Mr. McCLODY. Do you receive part of your income from firearms manufacturers in the way of advertising or subscriptions or anything else like that?

Mr. MOLCHAN. Yes, we do.

Mr. McCLODY. You are not subsidized by the arms manufacturers, though?

Mr. MOLCHAN. No, we are not.

Mr. McCLODY. All right.

Mr. CONYERS. If the gentleman would yield, there are two questions that occur to me before we move to Mr. Ashbrook.

There is a \$10 fee for Federal licensing for dealers, is that correct?

Mr. MOLCHAN. Yes, that is true.

Mr. CONYERS. Would those who think that there ought to be higher standards, also think that raising it to \$100 would eliminate the people that you feel are in it really only for the subscriptions and the information that accrue to dealers?

Mr. MOLCHAN. Well, whenever you raise the price, it certainly cuts down the number of people involved, regardless of what you are talking about.

It depends on the eventual ends that are looked at. I might say in relationship to this increase in the fees and cutting down of FFL

holders, and one of the previous question as to persons that were contacted, let me just say this:

About a year ago, I did contact ATF about the problem of stealing firearms. It was a very serious problem and the dealers and distributors have a tremendous dislike for gun thieves.

I suggested that it might be in everybody's interest to make the serial numbers and descriptions of stolen firearms available to the dealers on a regular basis. They are the ones that have the guns coming through there, and they are handling them all the time for minor repairs or cleaning or an addition of this or a subtraction of that.

Under present circumstances, if a gunsmith gets a stolen pistol, he will probably work on it and return it, having no convenient way of knowing whether it was stolen or not.

Now, I did make that suggestion, as I say, as a feeler in that direction.

Mr. McCLORY. Could I just follow through on that?

That is a very interesting observation, extremely interesting, because something similar does apply with regard to stolen motor vehicles at the present time, and you did state that you have considerable contact with the ATF Agency of the Treasury Department.

Mr. MOLCHAN. Well, I wouldn't say "considerable." We do talk to each other.

Mr. McCLORY. Well, all right.

Now, as you understand, the manufacturers of firearms are licensed and they maintain records with regard to the firearms that they manufacture, so they would have a record if firearms were stolen from them.

Mr. MOLCHAN. Oh, certainly.

Mr. McCLORY. They would have that information.

Mr. MOLCHAN. Definitely.

Mr. McCLORY. Now, when we sell to the dealer, the dealer in turn keeps accurate records of the firearms that he receives from the manufacturers, and the weapons that he sells to the purchasers, doesn't he?

Mr. MOLCHAN. We certainly hope so.

Mr. McCLORY. And he is required to keep those under Federal law?

Mr. MOLCHAN. Yes.

Mr. McCLORY. You don't have any fault to find with those parts of the law, do you?

Mr. MOLCHAN. No.

Mr. McCLORY. Now, in order for this business of making the information available insofar as stolen firearms are concerned, that would have to come through some central agency, would it not, as far as the stolen weapons are concerned? Like the stolen automobiles.

Mr. MOLCHAN. The NCIC, yes.

Mr. McCLORY. Yes, in other words, the Treasury Department presumably would keep a record of all of the stolen firearms according to serial number.

Mr. MOLCHAN. Hopefully, they have that already, on their computer.

Mr. McCLORY. From what source would they have it?

Mr. MOLCHAN. I would imagine from all the many individual stolen gun reports that are filed from the individual police forces around the country.

Mr. McCLORY. And they have that now then?

Mr. MOLCHAN. I certainly wouldn't want to speak for them, but I believe they do, yes.

Mr. McCLORY. Now, when or if the firearm is found or if a firearm is used in connection with a crime, and the police are trying to identify the owner or the last purchaser of that weapon, they do apply now to the ATF, do they not?

Mr. MOLCHAN. Yes, they do.

Mr. McCLORY. Or they may?

Mr. MOLCHAN. Yes.

Mr. McCLORY. If they know about that system.

Mr. MOLCHAN. But by that time, it may already be too late.

Mr. McCLORY. I see.

Mr. MOLCHAN. And the personnel involved may be unwilling to testify to where the gun came from.

Mr. McCLORY. And then they go through a laborious or sometimes laborious process of going to the manufacturer, going to the dealer, the dealer going back into records that he is required by law to keep.

Would it not greatly facilitate this operation to merely have that information either available at the State level or at the community level or wherever, just so that the Treasury Department would know where to find it and, according to some uniform system, without having to go back to each individual dealer and, as we know, 146,000 dealers makes quite a task and sometimes it is a matter of weeks before such a weapon can be located, which would provide us full information in connection with apprehending a criminal.

Mr. MOLCHAN. By some central location, you mean the information that the manufacturers primarily have as to their current production and serial numbers and things like that?

Mr. McCLORY. Of course, Federal registration would provide it all in a central place.

Now, that carries a connotation which is frightening to some people now that doesn't have to bear any particular title, but if it were more readily available, then requiring the dealer to search his records, that would be useful, would it not?

Mr. MOLCHAN. Well, certainly any increase in the speed of the process would be useful, but I am not sure actually—actually, I am not sure quite what you are getting at.

Mr. McCLORY. Well, if we speed up the process it would be useful, wouldn't it?

Mr. MOLCHAN. Yes; it would.

Mr. McCLORY. Thank you very much.

Mr. CONYERS. Mr. Ashbrook.

Mr. ASHBROOK. Thank you, Mr. Chairman.

Mr. Molchan, one of the arguments used generally against private ownership of firearms that I have heard in the hearings is that they, in effect, constitute a warehouse or an arsenal of guns, even those that are owned by the law-abiding citizens, which the persons bent on crime can then steal, can use for their own improper purposes.

Now, I would guess there is validity to this argument, that many criminals do go out and endeavor to obtain their firearms illegally by stealing them, and some of the testimony indicates that one of the primary sources, one of the areas where this warehouse effect is the most

obvious is in the gun dealers, so that they are quite often objects of burglaries and that guns are stolen.

As a person who is in the field, do you have any statistics or any evidence of incidence of thievery, so to speak, of taking guns from licensed dealers that you would know anything about?

Can you shed any light on that?

Mr. MOLCHAN. There are no figures, hard figures that I think I should quote.

This is not part of our job to keep very accurate figures on all the stolen guns and, of course, there are about 25,000 dealers that do do some business relatively in firearms, and we only cover part of those.

So we have a very limited field. There is no doubt that there is a lot of room for improvement there.

I think there has been some relevant criticism of the dealers as far as security that they perhaps should be much more secure in their handling of these things.

Mr. ASHBROOK. Well, we are living in a more security-conscious era. There is no question about that.

Industrially, there is more security. The airlines, with respect to them, there is more security, and this would be a potential area where I would assume some higher standards could responsibly be set.

I would be interested in knowing of the degrees to which security is a problem and security is a goal for improvement in your industry.

Speaking as one who doesn't want to put them out of business, I certainly think it is an area where they have a responsibility and I am just wondering, to that extent, if you had information as to the goals of the industry so to speak—

Every segment of the economy I come into contact with, whether nursing homes, the law or the bar or doctors, everybody is always talking about upgrading their profession and making it more aware of the public problems, conforming more to the needs of society in this era and I am just wondering about the extent to which your industry in particular is doing it.

Now, I know at the manufacturing level, from what I can see, there is a very strict security. There is a very conscious effort of their responsibility to the community at large including effective devices to determine what employees steal guns, and so forth.

I think this is a potential area where your industry certainly must give some consideration.

I asked the question because I wanted to know the degree to which they accept this responsibility, and endeavored to improve their standards and I gather from what you say is that there is not much hard effort on it at this time.

Mr. MOLCHAN. They definitely, surely are security conscious. Just off the top of my head, it seems that many of the bulk firearm thefts that cause problems offhand were fairly large thefts in interstate traffic, off the trucks, off of docks, crates out of airplanes.

Mr. ASHBROOK. Hijacking, so to speak?

Mr. MOLCHAN. Hijacking is one of the big problems, yes.

Mr. ASHBROOK. Thank you. I have no other questions, Mr. Chairman.

Mr. CONYERS. Let me find out something. Do you still live in Chicago? I said you were born and raised here.

Mr. MOLCHAN. Yes, I do.

Mr. CONYERS. And how long have you been in the dealership business, yourself?

Mr. MOLCHAN. By "dealership," what do you mean?

Mr. CONYERS. Well, first of all, I wanted to find out when you were licensed and then I wanted to find out when you opened up a dealership.

Mr. MOLCHAN. We were licensed about 2 years ago and we fall into that category of people who have an FFL license, because we have the office here in Chicago, but we don't do any business, any daily business in transacting firearms.

Mr. CONYERS. Right. So you have another primary occupation. I mean, you earn your living some other way?

Mr. MOLCHAN. Other than the sale of firearms?

Mr. CONYERS. Yes.

Mr. MOLCHAN. Yes.

Mr. CONYERS. Right. May I ask what you do in that occupation or profession?

Mr. MOLCHAN. Exchanging information for the dealerships and primarily running the small magazine, although I will say that this is not a big money proposition.

If you ask me how much money I made during the year, quite frankly I think I would be ashamed to tell you.

Mr. CONYERS. Well, then, I won't ask you.

Mr. MOLCHAN. Thank you.

Mr. CONYERS. Then you can't talk with me about the frequency of the AFT visiting dealerships on a personal level since you don't have any dealership?

Mr. MOLCHAN. Well, we are constantly talking with the dealers.

Mr. CONYERS. Right.

Mr. MOLCHAN. So that we can give you our opinion as communicated to us by the dealers.

Mr. CONYERS. And what opinion is that?

Mr. MOLCHAN. The opinion is that sometimes they are clean and sometimes they are not.

Mr. CONYERS. Probably they are more likely not?

Mr. MOLCHAN. Probably not, especially out in the country.

Mr. CONYERS. Do you have any dealers around the country who have worked in concert with known criminal elements and seeing that they are provided with firearms contrary to the law; unsavory dealers?

Mr. MOLCHAN. I personally do not know of any instances, no.

Mr. CONYERS. All right. That concludes my questions.

I don't think there are any more by members of the subcommittee, and I want to thank you for joining us.

If you can put together any further information dealing with those questions that were raised, we would appreciate it.

Mr. MOLCHAN. I will be very happy to.

Mr. CONYERS. Now, we come to our final witnesses of the day. We are honored to have some members of the judiciary that are able to be with us.

I don't know which ones are here. I see we have the Honorable Marvin Aspen and the Honorable David Shields, one a judge of the

criminal division of the Cook County circuit court, and the other a judge of branches 26 and 27, which have been mentioned here earlier.

We are very delighted to have you gentlemen with us.

Judge Shields has been in the criminal division since 1971, a private attorney before then, and a graduate of the DePaul University. Judge Aspen is from the Northwestern School of Law, a part-time faculty member, chairman of the Institute of Criminal Justice and past chairman of the Criminal Law Committees of the Illinois bar and the Chicago bar, and author of the book, "Criminal Law for Laymen."

Your Honors, we are delighted to have you before us, and as you know, the judiciary figured very largely in the question of the proliferation of guns and the enforcement of the statutes thereto related.

We are very pleased to have you before us and we have your prepared statements which will be introduced into the record, and I would invite you to proceed in any manner that pleases you.

Welcome before the committee.

Judge ASPEN. Thank you, Mr. Chairman.

Judge SHIELDS. Thank you, Mr. Chairman.

Judge ASPEN. I believe we each have a statement and my colleague has agreed that we will proceed alphabetically so with your permission, I have a short statement that I would like to make at this time.

Mr. CONYERS. Fine.

[The prepared statement of Hon. Marvin E. Aspen follows:]

STATEMENT OF JUDGE MARVIN E. ASPEN, CIRCUIT COURT OF COOK COUNTY, ILL.

Mr. Chairman and members of the House Judiciary Committee Subcommittee on Crime: I am appreciative of the opportunity to appear here today and to participate in the important work of your subcommittee.

I have been interested in handgun control legislation for many years, as a prosecutor, as draftsman of the original City of Chicago gun registration ordinance, and several other state legislative proposals, and for the past four years as a judge of the Circuit Court of Cook County, assigned to the Criminal Division.

Rather than recite the convincing statistical data, which you have undoubtedly already heard today, showing the cause and effect relationship of the availability of handguns to the increase in crime, I will spend the few minutes allotted to me to attempt to dispose of a popular myth created by gun control opponents. This myth goes something like this: "Gun control legislation will disarm the law-abiding citizen, leaving him the helpless prey of the crook who will not be affected by the legislation".

My response to this contention, although statistically supportable, is based on my courtroom observations over the past four years, where more than 1,000 accused felons have appeared before me for trial. I believe that a strong federal gun control bill will, in the long run (not overnight), disarm the criminal. I also believe that the law enforcement needs of the law-abiding citizen are not best served by possession of a firearm.

I am not convinced that restricting or banning the sale and possession of handguns to the general public will have no effect on the criminal. This legislative action would create an absolute liability crime to charge the criminal who is caught in possession of a handgun; this is bound to reduce crime. But more importantly, restricting the import and interstate sale of handguns will dry up the potential arsenal readily available at the local gunshops to the criminal and the potential criminal.

Reducing or eliminating the private ownership of handguns by private citizens will also serve to reduce this potential arsenal. It is my impression that a significant number of handguns used in crimes are taken in burglaries from the homes and businesses of law-abiding citizens. This impression is supported by responsible research which shows that 500,000 guns are stolen every year

from homes and businesses of law-abiding citizens, *Lindsay*: "The Case for Federal Firearms Control" by the Criminal Justice Co-ordinating Council of New York City, November, 1973.

Therefore, it is clear to me that the criminal, whether or not he initially turns in his handgun, will, in the long run, be adversely effected by proposed federal legislation.

Next, it is important to analyze what, if any, law enforcement or self-defense good would be undermined by disarming the general public.

Far more weapons kept by citizens for self-defense are, in fact, eventually used for purposes of crime than for self-defense. The statistics are clear that significantly more weapons purchased for home protecting are eventually used by the purchaser in a "heat of passion" shooting, in a suicide, in an accidental shooting, or are stolen from him and used to perpetrate a crime rather than to prevent one.

The statistics also show that the armed citizen is more likely to be shot by a felon than the unarmed victim, *Newton & Zimring*, "Firearms and Violence in American Life". Every judge and law enforcement officer knows of numerous instances where the handgun of the law-abiding citizen was taken away from him and used against him by the criminal.

No responsible law enforcement officer would argue that weapons in the private sector have been significantly effective in combatting crime. On the contrary, weapons in the private sector pose a constant threat to the law abiding citizen.

There are other well-documented harmful aspects to the widespread possession of handguns by the law-abiding citizens.

I have seen countless murder and aggravated battery cases in my courtroom, involving the use of a handgun, which evolved out of a domestic quarrel that escalated into a killing or attempted killing because of the ready availability of a firearm. If no handgun were in the apartment or home, I am convinced that in most of the cases we would be dealing, at the very worst, with broken bones or knife wounds, rather than with lost lives. Almost three out of four murders evolve out of domestic quarrels or quarrels between persons who know one another: FBI Statistics for 1972. In Chicago in 1974, for example, 525 out of 970 murder victims knew their murderers as relatives, friends or neighbors, Chicago Police Department Statistics.

Three-quarters of all murderers have never broken the law before, *Lindsay*, supra. A spontaneous knife-wielder is only 20% as fatal as a gunshooter, *Newton and Zimring*, supra. The use of a knife requires considerably more strength, agility and skill than the use of a gun. Therefore, the argument that people would find other ways to kill each other if guns were not available just does not hold water.

The accident rate with handguns is equally significant. How many times this past year could we have picked up a newspaper somewhere in this nation and read of the tragedy of a child discovering a handgun which a parent thought was secreted and accidentally shooting and killing a brother, sister or other child? There are 3,000 accidental deaths by firearms each year. One-fourth of the victims are children 13 years of age or younger, *Bakal*, "No Right to Bear Arms" (1968). For every intruder stopped by a home-owner with a gun, there are four accidental shootings either by mishandling the weapon or mistaking an innocent person for a criminal, *Lindsay*, supra.

There is no nation that has a firearms suicide rate comparable to ours. Guns are used in half of all the suicides in the United States. About 10,000 people shoot and kill themselves each year. I am not suggesting that, if an individual truly wishes to take his life, unavailability of a firearm will deter him. But I must wonder how many spur-of-the-moment suicide attempts by depressed and troubled individuals might have been avoided if, at that particular moment, no firearms were available? Or, if the suicide attempt had occurred by means other than firearm, how many lives might have been saved by stomach pumps, artificial respiration, and other first aids available to victims who attempted suicide in a manner other than with the finality of a bullet to the head?

From the foregoing, my conclusion is that federal legislation banning or restricting the sale, manufacture and possession of handguns will, in the long run, disarm the criminal, and that the law-abiding citizen, when all the considerations are balanced, has much to gain and very little to lose by this legislation.

I believe the handgun problem in this nation has reached crisis proportions. There are an estimated 40,000,000 handguns now in the United States—a number



growing by 2.5 million each year. Attorney General Edward Levi's Statement of April 7, 1975. We can no longer avoid coming to grips with the overwhelming statistical evidence incriminating the promiscuous proliferation of handguns in our country. Ignoring the problem will not make it go away—it will get worse. We cannot mortgage the public safety of this nation by ignoring the desires of an overwhelming majority of our citizens for responsible federal gun control legislation because of the loud advocacy of a handful of pistol-shooting advocates who view any federal action as unacceptable, no matter how great the public need.

# **TESTIMONY OF JUDGE MARVIN E. ASPEN, CRIMINAL DIVISION, CIRCUIT COURT OF COOK COUNTY, ILL.**

Judge ASPEN. Mr. Chairman and members of the Subcommittee on Crime of the House Judiciary Committee.

I am appreciative of the opportunity to appear here today and to participate in the important work of your subcommittee.

I have been interested in handgun control legislation for many years, as a prosecutor, as draftsman of the original city of Chicago gun registration ordinance, and several other State legislative proposals, and for the past 4 years as a judge of the circuit court of Cook County, assigned to the criminal division.

Rather than recite the convincing statistical data, which you have undoubtedly already heard today, showing the cause-and-effect relationship of the availability of handguns to the increase in crime, I will spend the few minutes allotted to me to attempt to dispose of a popular myth created by gun control opponents. This myth goes something like this: "Gun control legislation will disarm the law-abiding citizen, leaving him the helpless prey of the crook who will not be affected by the legislation."

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Therefore, it is clear to me that the criminal, whether or not he initially turns in his handgun, will, in the long run, be adversely effected by proposed Federal legislation.

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From the foregoing, my conclusion is that Federal legislation banning or restricting the sale, manufacture and possession of handguns will, in the long run, disarm the criminal, and that the law-abiding citizen, when all the considerations are balanced, has much to gain and very little to lose by this legislation.

I believe the handgun problem in this Nation has reached crisis proportions. There are an estimated 40 million handguns now in the United States—a number growing by 2.5 million each year. Attorney General Edward Levi's statement of April 7, 1975. We can no longer avoid coming to grips with the overwhelming statistical evidence incriminating the promiscuous proliferation of handguns in our country. Ignoring the problem will not make it go away—it will get worse. We cannot mortgage the public safety of this Nation by ignoring the desires of an overwhelming majority of our citizens for responsible Federal gun control legislation because of the loud advocacy of a handful of pistol-shooting advocates who view any Federal action as unacceptable, no matter how great the public need.

As a judge in any State court knows, there are all types of legal niceties in the law.

You go into the question of whether a gun was concealed or not concealed.

Is the gun accessible or is it not accessible?

I think an absolute liability offense would answer some of these problems, but more importantly, gun, and the effective gun control legislation would dry up the significant potential arsenal to criminals, that are available in practically any gun store in this country.

A criminal wants to commit a crime and gets a gun, all he has to do is purchase one.

In addition, there is a significant potential arsenal in the homes of law-abiding citizens in this community. Guns that are stolen, taken in a burglary, they are then used to commit a crime.

I think the statistics are, and they are quoted in my formal written remarks to this committee, that there were 500,000 such guns stolen annually in this country.

I don't believe for a minute that the legislation which I suggest is going to eradicate handgun crime immediately. I do think that in the long run, even if the criminal does not turn in his weapon immediately on this legislation being passed, I think it is safe to suspect that he would not do so, but in the long run this legislation would serve to dry up the source of guns for criminal purposes.

The second part of the proposition is that this proposed legislation would not harm the law—would harm the law-abiding citizen. I don't think it would.

The idea that a weapon is a good tool for self-defense, I think, is kind of a romantic notion that isn't supported by statistics and is not supported by my 4 years as a criminal division judge, where I have had more than 1,000 felons charged with—mostly with gun charges or gun-related charges appear before me in my courtroom.

More guns taken in burglaries are used to commit crimes than are guns used to prevent crimes by the owners. Every police officer can tell you a story of a gun taken from a law-abiding citizen and that very same gun used against that citizen.

They will also tell you that the citizen who was armed has a much greater chance of getting shot and harmed than the nonarmed citizen, if he is confronted with an armed felon.

In addition to that, the great proliferation of guns by law-abiding citizens has other fallouts, one of which the murders that I see in my courtroom, and the murders that I see are typical and again are supported by the national statistics.

Most of the murders in my courtroom involve persons who have never been in trouble before, persons who know each other. A good portion of them are domestic quarrels that have escalated into a killing, simply because of the ready availability of a handgun.

Now, I suppose it can be argued that if a gun is not available, people will find other ways to kill each other if they want to. However, I would suggest to you that at least three-quarters of murders are spontaneous. They are not planned. If a gun is available, it is fatal, it is final, it is simple.

Alternative methods are not such. A knife takes great skill to use. It is not always fatal and it doesn't do the final job that a gun does.

The accident rate in this country from firearms is tragic. I have seen, in my courtroom, and I don't suppose you could pick up a major newspaper in this country any week of the year, perhaps any day, and not read of the tragedy of some child who has found a firearm in the home and has killed himself, another child, another friend accidentally.

Again, the statistics are set forth in my paper and the accident statistics are overwhelming.

The third fallout from the control, from the possession of a handgun by the law-abiding citizen in his home or business are suicides. Now, again, I am not going to suggest to you for 1 minute that, if a person is intent on taking his life, the fact that he doesn't have a handgun is going to stop him from doing so. But, again, I think it is safe to say, and I think the medical and statistical data support the fact that many of these suicides are relatively spontaneous by depressed persons.

A suicide by handgun is instantaneous, it is irreversible and it is simple. Other methods are not that simple.

I think that we might not cut down on suicide attempts by the proliferation of handguns but certainly we would cut down on the successful suicides.

From the foregoing, gentlemen, my conclusion is that Federal legislation with respect to banning or restricting the sale, manufacture and possession of handguns will, in the long run, disarm the criminal and that the law-abiding citizen, when all of these considerations are balanced, has much to gain and very little to lose by this legislation.

I believe the handgun problem in this Nation has reached crisis proportions. There are an estimated 40 million handguns in the United States today, a number that is growing by 2.5 million each year.

We can no longer avoid coming to grips with the overwhelming statistical evidence incriminating the promiscuous proliferation of handguns in our country.

Ignoring the problem will not make it go away—it will get worse. We cannot mortgage the public safety of this Nation by ignoring the desires of an overwhelming majority of our citizens for responsible Federal gun control legislation because of the loud advocacy of a handful of pistol-shooting advocates who view any Federal action as unacceptable, no matter how great the public need.

Thank you.

Mr. CONYERS. Thank you, Judge Aspen, for a very direct and forceful statement. Before we move to any questions, we would also like to have the statement of Judge Power—I am sorry, we have Judge Power on the way.

Judge Shields, if you could proceed and then we will hear from Judge Power, who was probably detained in the courtroom on an important matter. We are glad to have you here, sir.

Judge SHIELDS. Thank you, Mr. Chairman.

Mr. CONYERS. You may proceed, Judge Shields.

[The prepared statement of Judge Shields follows:]

#### STATEMENT OF JUDGE DAVID J. SHIELDS

The writer hereof, along with Judge Matthew Moran, is one of two judges who sits in Branches 26 and 27 of the First Municipal Division of the Circuit Court of Cook County, Illinois, colloquially known as Chicago's "Gun Court". That court handles all misdemeanor gun violations within the City of Chicago and is probably the busiest court of its kind in America.

The cases handled in the Gun Court are not generally those in which a gun is used in the commission of a crime, nor does it involve the bizarre and felonious type weapons such as sawed off shot guns. Almost all its cases involve the possession of hand guns and the alleged violation of the various gun registration statutes and ordinances.

The most common case handled is that known in the legal profession as a "UW" or the Unlawful Use of Weapons. The "use" contemplated is usually only possession which, under Illinois law, becomes criminal when a gun is concealed from ordinary view when the possession thereof is not on his own property or fixed place of business. This concealed possession is a criminal offense whether the gun is loaded or not, but possession of a gun anywhere, except, again, on your property or business, is unlawful if it is loaded whether it is concealed or not. For emphasis, and because of a wide-spread public misunderstanding in this area, it should be noted that it is a criminal offense to carry or possess guns in such fashion whether they are registered or not. Registration of a gun or as a gun owner, invests the registrant with no further authority whatsoever regarding the right to carry a gun under Illinois law. While saying so may be redundant to this committee, it seems to be a point that the public has not yet grasped and registration is the defense initially argued by most so-called "good citizens" when apprehended with a loaded gun in their possession or in their car.

Violations of registration laws, and to a lesser extent, the discharge of firearms and aggravated assaults committed with firearms, constitute the remainder of the court's business. The State of Illinois has not enacted a gun registration law, but it does require, by state statute, that an owner or possessor of a firearm be himself registered as such. Very few municipalities in Illinois have enacted gun registration ordinances, but the City of Chicago has enacted such an ordinance. Every weapon of every kind must itself be registered under the Municipal Code of Chicago and, until recently, any violation thereof that could be properly proved,

called for a penalty ranging from a minimum fine of \$100 to a maximum fine of \$500. The Chicago City Council has very recently enacted an amendment to the City Code which purportedly calls for a mandatory and minimum ten (10) day jail sentence for violation of the registration ordinance. No cases have yet come to the Court under this amended ordinance, but we can assume that these cases are being filed and will shortly be in the prosecutive stages.

As the disposition of the foregoing types of cases in the urban areas and the statistical analysis thereof is a valid area of concern by this committee, the Congress and the public, it would seem that the customary manner of their being resolved should be publicly dissected. It should be noted that the Court, while being a concerned member of the community who is appalled at the "gun problem", is also a lawyer and both legally and morally bound to follow the law.

The primary area of contest in most gun cases is under the 4th amendment to the constitution in the area of search and seizure. There is little argument directed to whether a gun found is in fact an operable gun or whether it is intentionally possessed. Constitutional search and seizure issues are probably more regularly argued in this court than anywhere in America. We have, literally, some several hundred cases on the call every day and probably more than half of those contested begin with a motion to suppress evidence allegedly seized in violation of the defendant's constitutional protections. Most of the cases involve street stops, traffic stops, pat-downs, "stop and frisk" consent searches and the alleged complaints of unknown citizens. Without getting into the morass of law that attends these questions of search and seizure, particularly since the celebrated Robinson and Gustafson decisions in the U.S. Supreme Court, it should suffice to say that these arguments dispose of more contested matters than any other. Generally speaking, if the evidentiary motions are resolved against the defendant, the cases become pleas of guilty. It is my belief that the Chicago police try to follow the law with respect to constitutional requirements, but I recognize the temptation to want to get the guns off the street and to want to avoid the cumbersome process of search and arrest warrants. It is the function of the Court to act as a buffer and safeguard between the anxious police and apprehensive public and to insist that proper and lawful procedure be followed in every case.

Among some other and customary defenses to gun charges, within the statute, are questions of accessibility and operability. A gun has to be immediately accessible to a defendant to sustain a conviction. Accordingly, a gun in a case, in a glove compartment, in a trunk and, perhaps, in a back seat, is not accessible, nor is a gun that has been broken down or is disassembled to any material degree, nor is a starter pistol, or some other gun which is incapable of propelling a missile, competent to sustain a prosecution. In the registration area, if a defendant makes no admissions to the police regarding registration, a substantial burden is imposed on the prosecutor's office to prove up this failure of registration as the testimony of anyone other than one charged with the actual registration responsibility about the existence of registration is hearsay.

In Illinois, another defense is employed and, I think, abused, by so called "security guards". A security guard has authority to carry his gun to and from his work and is given one commuting hour in each direction to do so. As you can imagine, particularly in such a high volume court, it is difficult for a prosecutor to refute the testimony of a licensed security guard, coupled with that of his purported supervisor, that he was on his way home from a watchman assignment at some remote industrial site, at some irregular hours of the night or early morning, particularly when the defendant has said nothing to the police officer at the time of the arrest to alert the prosecutor that such a defense might be presented. There is such a proliferation of security guards, special police and watchmen services and such an abundance of stars, credentials and uniforms around that this entire area should have some closer legislative attention.

In no way do I mean to suggest that every defendant in these courts should not have these defenses available to him. Most defendants are represented by competent counsel. Those that cannot afford private counsel have the services of a very able public defenders' office which is aware of the cases in this specialized area. Recently the Chicago Bar Association has a lawyer assigned to the court for referral purposes and to avoid the always existent problem of solicitation by and for lawyers in the halls of the building. Very seldom does any person appear before the bench without a competent attorney.

A defendant is entitled to ask for one continuance almost as a matter of law. By custom, the state is given at least that same courtesy. Further continuances are

sought for various and obvious reasons and are addressed to the discretion of the court. Every defendant in a criminal case is entitled to a trial by a jury, unless he understandingly waives the jury trial. The gun court has no jury facility, and, incidentally, the facility in which the gun court operates could be the subject of another congressional committee. The insistence by a defendant upon his right to a jury trial, in effect, gives him another continuance so that the case may be transferred to a court with a jury facility, which is probably also backlogged. Evidence is sometimes tied up in the crime labs, particularly if it is a stolen gun or one which was used in another incident. For countless valid reasons, cases get continued, witnesses and complainants get discouraged and frustrated and often refuse to further participate so that, after several further state-requested continuances to get the complainants in, the cases are stricken from the call or dismissed.

In those cases that are tried on the merits, the convictions far exceed those discharged. Many are pleas of guilty but, in view of the lawyers involved on both sides, very seldom, if ever, is there a blind plea. The cases are negotiated or plea-bargained and an agreed disposition is proposed to the court for its approval and, when fairly negotiated, it is seldom disapproved. In past years, some defendants in selected cases were placed on court supervision, which meant that their cases were continued for specific lengths of time without disposition and then discharged, if the defendant, usually a young person, didn't get into any further difficulty. This obviously avoided his having any criminal record. Such dispositions are no longer made of cases in the gun court. There are no orders of supervision whatsoever. The customary minimum disposition on a case wherein the defendant is in court for the first time and is found guilty is one year on probation, a fine, usually \$100, and the confiscation and destruction of his weapon. Up until this point, before cases are presented under the new ordinance, the City registration violations have yielded additional monetary fines of not less than \$100 per weapon. Anything of an aggravating nature in his background or the facts of the case would increase the penalties. Anyone with a conviction of a gun related case in the prior several years would get a jail sentence, without exception. The probation given the first offender includes the usual impositions on his time and freedom and is sometimes conditioned on periodic imprisonment, participation in specified programs and other efforts at creative sentencing. Second offenders in gun cases, upon conviction, always get jail sentences.

Probably the most striking experience that one takes away from an exposure to gun court is that of the kinds of people that appear there as defendants. Most are there with their first arrest, many are old people. Shopkeepers, persons who have been previous victims of violent crimes, and others who carry guns because of a sincere belief in their need for protection constitute the greatest part of the call. Their attitude was probably best summed up by the remarks of an elderly defendant in a recent case, when asked why he carried a gun when he knew it was against the law. His response was, "I'd much rather be caught by the police with a gun than be caught out on the street in my neighborhood without one."

This court and probably most members of this committee, are not really exposed to the problems of the ghetto society, except as spectators. It is very unlikely that most of us would even go into those areas, except in broad daylight under the most optimum circumstances, but surely not at night, alone, or on foot. Some people have no choice. To live or work or have some need to be on this "frontier" imposes a fear which is tempered by possession of a gun. The very argument, that of self-protection, that most gun advocates advance is certainly much more appropriate in the black community of Chicago than in the isolated suburbs in which it's usually heard. The judiciary is seriously concerned with putting someone in that situation on probation, because one of the conditions of probation is that the offender cannot have a weapon during the probationary period and, if he follows the law, he is without protection in his home, store and on the streets of his community.

These remarks, admittedly subjective, are being made to put the role of the courts into proper perspective. A police court should not make law, nor should it enforce the law. It should be a forum to determine whether the law enforcement authorities have acted within propriety. The enactment of absolutes, the total abolitions, the mandatory sentences, the harsh penalties are laudable for their intent, but must be enforced in a human atmosphere. The constitutional



defenses, the rules of evidence, the ingenuity of the bar and all the nuances of the adversary system will always be available to an accused whatever the charge.

While this writer herein personally advocates a uniform ban on the sale or manufacture of handguns and the eventual exclusion of guns from our society as a simplistic answer to the problem, he recognizes that the courts have to follow the law. It is sincerely believed that legislation to ban firearms from society would have little real effect upon the problem and would, in fact, criminalize a substantial quantity of persons who are not the problem. Although the usual criticisms can be expected, the conscientious application of the law by competent jurists, and severity when appropriate, would seem more likely to contribute to the concept of uniform justice.

### TESTIMONY OF JUDGE DAVID J. SHIELDS, CIRCUIT COURT OF COOK COUNTY, ILL.

Judge SHIELDS. I understand from your earlier remarks that the courtroom has been talked about by some other witnesses, the courtroom that I preside over, and that is what we call branch 26 and 27 of the First Municipal Division of the Circuit Court of Cook County, which is the gun court, probably the busiest court of its kind in the country, if not anywhere in the world, and it hears almost entirely misdemeanor gun violations, not situations in which guns are used in the commission of a crime, but the carrying and possession of guns and of course, it hears registration charges and discharge of guns wherein no one is a victim, and no one is a target.

Mr. CONYERS. Pardon me, your Honor. Judge, isn't that a very unusual court in terms of the construction of criminal courts?

Judge SHIELDS. Physically?

Mr. CONYERS. No, I think you may want to comment on the physical appearance, but the fact that you would have a court set aside to deal only with gun matters.

Judge SHIELDS. I am sure that it is fairly unusual.

Mr. CONYERS. That is a fairly unusual distinction in that I have not heard of that before.

Judge SHIELDS. Well, we have that system in Chicago probably because of the abundance of gun cases that arise in the city. We also have in the city a narcotics court and a women's court and a domestic court that hears only certain kinds of cases; boys' court, and so forth.

Now, as I stated in my prepared statement, the most common case that is heard in the gun court is what is known as the "UW," in the profession. That is unlawful use of weapons.

It is the offense of carrying a gun or having a gun in your possession in a situation. If it is unloaded, it is a crime if it is concealed from ordinary view under Illinois law. If it is loaded, it is a criminal offense whether it is concealed or not.

I think that is probably the law in most jurisdictions, but there is a widespread misunderstanding and I think misapprehension among the public at least it is so indicated when the public defends themselves and that is that the gun is, in fact, registered so that you are entitled to carry it, and of course, that is not the law.

The registration of the gun invests no authority at all to a person carrying the gun on his person. It seems most defendants are, the defendants that are in court for the first time, are good citizens and they argue that they have a right to have the gun, because they have it registered.



We also have, in branches 26 and 27, hearings on violations of the registration law.

In Illinois there is no gun registration law for the State. There is a requirement that people or persons who have or are going to possess guns, have to register as such.

The registration law is limited to a certain limited number of municipalities in the State of Illinois.

The city of Chicago has such a gun registration law and some few suburbs have such a registration law.

Up until very recently the maximum penalty for failure to register a gun or to carry registration in Illinois was a fine of \$500. Very recently, and so recently that no cases have yet come to the court on it, the ordinance has been amended so that the penalty is now a mandatory 10-day jail sentence, a minimum 10-day jail sentence for failure to have a registration of a gun.

Now, as to the disposition of cases of this kind, it is an area of valid concern by this committee, by the Congress and by the public.

I think I ought to talk a little bit about then how some of those cases are disposed of and just exactly what the disposition of some cases might be.

The primary area of contest in most gun cases in the area of the fourth amendment of the constitution, the so-called "Search and Seizure Law," the constitutional search and seizure issue and they are probably more contested in branches 26 and 27 than any other place in America. There are literally hundreds of cases on the call of myself and one other judge, Matthew Moran, who sits in the gun court.

Now, most of the contested cases in the gun court are contested on the alleged fourth amendment violation. We have cases—

Mr. CONYERS. That is to say—pardon me—search and seizure grounds?

Judge SHIELDS. The constitutional protection against unreasonable search and seizure, yes, Mr. Chairman.

Now, we have cases involving so-called street stops and traffic stops and stop and frisk and pat downs, consent searches; the complaints of unknown and unappearing citizens making the accusation "That man has a gun," and then the accuser is no longer to be found.

We have myriads of arguments about constitutional issues and specially since the *Gustafson* and *Robinson* cases, which authorize the search under certain circumstances with respect to traffic violators.

If the violator is, in fact, taken to the station, he is within the authority of the police department and they, then, have the authority to search the alleged traffic violator.

Now, I don't want to get into the morass of cases that relate to the constitutional questions, but I should say those questions are always available to the defense lawyers or almost always so in gun cases.

I think that without any comment upon whether the law is followed with respect to constitutionality, I think one of the important functions of this court and any court is to act as a buffer between the perhaps apprehensive public and the anxious police with respect to searches.

Now, some of the defenses that were alluded to by Judge Aspen are questions of accessibility and availability. Now, a gun, in order to sustain a conviction under the laws of Illinois, particularly the unlaw-

ful use of weapons laws, the gun has to be immediately accessible to the offender.

If it is in a glove compartment or in the trunk, or even perhaps in the back seat, it may well not be immediately available and accessible and as such could not be prosecuted under the unlawful use of weapons statute.

A starter gun or some other gun incapable of propelling a missile may not be the kind of a weapon that could be prosecuted under the unlawful use of weapons statute.

For example, in registration cases, if the person arrested makes no admissions with respect to registration, after having been given his Miranda warnings, as we all know, which are necessary; if he makes no admissions with respect to registration, it becomes difficult, a difficult charge to prove because the only person who can testify to the registration is the person charged with the responsibility of registering.

Now, to have someone else so testify would be hearsay and it would impose almost an unreasonable burden on the prosecution and I don't mean that it is, but probably the statute that should be enacted to accomplish that, but at this point, in the absence of admissions, that can't be proven.

Another defense that is regularly employed in Illinois, and I think abused, and I think perhaps worthy of some legislative attention locally is—

Mr. McCLORY. Can I ask a question at this point, Mr. Chairman?

Mr. CONYERS. Mr. McClory.

Judge SHIELDS. Sure.

Mr. McCLORY. Do I understand that your position is that if the question of registration comes up, that you can't ascertain from the defendant whether or not he has registered the firearm?

Judge SHIELDS. The defendant doesn't have to respond if he has been given proper constitutional warnings. The defendant has a right to stand moot.

Mr. McCLORY. You don't require any demonstration of any registration?

Judge SHIELDS. I don't think—well, under the law, you can't.

He has a right, certainly, not to testify against himself.

Mr. CONYERS. That would be the whole purpose of having a trial, to determine his guilt or innocence. He wouldn't have to admit to any other charges.

Judge SHIELDS. That is right, nor does he have to answer any questions on the street at the time the police officer asks questions.

Mr. CONYERS. And that follows because there is a law that he has violated, which is in question, which is what the trial would be about.

Judge SHIELDS. Yes.

Mr. CONYERS. All right.

Judge SHIELDS. We all know that the Miranda warning means that when someone is in the accusatory stage of the proceeding that he be apprised of his rights not to answer questions.

The defense that I started to mention, the defense which I think is abused in Illinois is the defense, and I could lump quite a few together here, but—that are general, and that is the defense of security guards.

Now, the law in Illinois entitles a person who works as a security guard, to satisfy other registration and so forth, allows him 1 hour commuting time to and from his employment and he may carry his gun during that time.

A great number of cases in the gun court are defended on the basis that the alleged offender is a security guard and with the use of the word that I have heard here, so often this afternoon, there is just a proliferation of security guard services, watchmen services and all kinds of badges and credentials that are around with respect to these security guards.

Now, this makes it a particularly difficult task for the prosecutor to refute the argument that so-and-so was employed at such-and-such a location in the middle of the night, which is sometimes corroborated by someone who purports to be his superior particularly if that person hasn't raised that argument to the police officer at the time he was arrested and hasn't alerted the prosecutor that this defense might be employed.

We have so many people who come in and defend the case on the basis of a—that they are part-time security workers and they bring someone along who is, in fact, a security guard service representative who says that: "Yes, he was employed until 2 o'clock in the morning and he happened to have been on his way home."

As I say, this is a defense that sometimes, in order to follow the law, we have to listen to it but it is personally offensive to me, because sometimes I just don't believe it. But if I have any doubt, I am obliged to resolve the cases in favor of the defendants.

Now, I don't mean to suggest by any of these remarks that I don't believe that the defendant doesn't have the right to have all of these defenses available to him, but I want to make it clear to this committee and the public, that such defenses exist.

Almost all defendants in the gun courts are represented by counsel, competent counsel. Many have private lawyers and there is available public defenders on the public defender's staff in Cook County, particularly in the gun court, who are particularly aware of all of the nuances and subtleties of the cases.

There is a Chicago Bar Association representative at the gun court at all times.

If, in fact, the public defender is not available, the Chicago Bar Association lawyer is there and he will handle cases on behalf of the defendants.

Very seldom does anyone appear before the gun court without a competent attorney.

Continuances are another area of objection by the public. Now, with respect to continuances, a defendant, I would think that anyone, in fairness, would have to agree that the defendant is entitled to one continuance as a matter of law. I shouldn't say it is a matter of law, but I do think they are entitled to at least one continuance on a case. The State is customarily given the same courtesy and anyone who is a defendant in the criminal cases has a right to a jury trial.

Now, sometimes the defendant asks for a jury trial on the second or third time the case is up, and in a high volume court, if the case requires that a jury be impaneled or one has to be impaneled.

Now, sometimes in the stolen gun case or where the gun is used in some other type of crime, the gun is tied up in the crime lab and rather than elongate the justifiable reasons, it is a valid basis for a continuance of the case and then the complainants, the complaining witnesses, and the witnesses on behalf of the State are often discharged from further appearing and the cases are disposed of unfairly as far as the State is concerned because of the absence of those complainants.

So far as the pleas of guilty are concerned, because of the existence of so many lawyers, very, very seldom is there a blind plea. Most lawyers will plead a case only after it has been negotiated, only after a so-called period of plea bargaining and I think it would be derelict for a lawyer, in these cases, to just let the defendant go ahead and plead guilty with his eyes closed to what the disposition would be.

Very seldom is there a plea in the gun court where the pleader doesn't know fully what he can expect or at least it is going to be read to him and recommended to him by the prosecutor and by the public defender.

In the past years, in Chicago at least, there was a category of dispositions known as supervision. Supervision was a category wherein first offenders, young people, people who the court did not want to give criminal records to, might enter a plea as to a charge and the court would enter a finding on that plea which would be deferred for a period of time so that it could be determined whether he would get in any more trouble and if, in fact, he didn't get into any more trouble, then the finding would never be entered on the plea and the case would be disposed of in that fashion.

Now, that is no longer the case in gun court. That is absolutely no longer available to a defendant. There is no supervision of gun cases in Chicago, but there were many such dispositions in years gone by.

The city registration code, as I indicated, is a \$100 to \$500 fine on violation and it is now possibly a jail sentence disposition.

There are some people who are placed on probation, and that probation is sometimes coupled with periodic imprisonment, perhaps work release programs, that meaning that he could be released to work during the daytime hours.

There is also participation in specified programs and other efforts at creative sentencing.

The usual disposition on a first offense possession of a gun case in Illinois or at least in the Chicago gun court is 1 year on probation and a fine of at least \$100, and a confiscation and destruction of the weapon.

If there is anything aggravating about the case, if there is any criminal background behind the defendant, if there is any arguable aggravating factors, that disposition is increased.

If there is a second offense of any kind relating to gun cases, and I can say this probably without any hesitancy, in every such case the defendant is given a jail sentence.

There is no—I haven't run into any situation since I have been in that court hearing gun cases wherein a second offender gun case, where the defendant was not given a jail term which would obviously mean that there was a conviction.

I think the most striking experience that I can take away from the gun court and most people exposed to gun court, and this is contrary

to Judge Aspen's remarks, but as I say, the most striking experience is with respect to the kinds of people that appear there as defendants.

For most, this is their first arrest of any kind. I don't mean now that this is their first conviction, but I mean this is their very first arrest of any kind, and many of them are old people. Many of them are shopkeepers, persons who have been previous victims of violent crimes.

Most of the people there have the sincere belief in their need for protection, whether that is warranted or not.

I think most of the defendants who come to court believe that they need a gun to protect themselves in the community, and I have one statement that was made by an elderly defendant that I think summed up the attitude of such people. When he responded, he said, "I would much rather be caught by the police with a gun than to be caught out on the street in my neighborhood without a gun."

And I didn't think that when that remark was made that he was in any way capricious or arbitrary with the court. I think that was his sincere belief. I think the courts and probably most members of this committee aren't really exposed to the problems of the ghetto community and it is probably fair to say that most of us aren't likely to voluntarily go into those communities except under the most optimum circumstances; meaning broad daylight and certainly not alone or at night or on foot.

And the argument that seems to be most proposed by opponents of gun control legislation, that of self-protection, seems to be much more applicable to ghetto communities situations than it is to the suburbs in which it is usually argued.

In fact, when we put people on probation, one of the conditions of probation is that the people aren't allowed to have the use of or to have possession of a gun.

Now, there is some anxiety on the part of many members of the bench to prohibiting such people from having the right to have a gun, in their own house or in their own place of business, because of the lack of protection that they might feel that they have.

Now, obviously, these remarks are subjective and they are being made hopefully to put the role of the courts into the proper perspective.

It is my belief that the enacting of absolutes of any kind, such as the total abolition, the mandatory sentence the harsh penalties are laudible in their intent, but I think that they all have to be enforced in a humane atmosphere.

All of the constitutional defense and the rules of evidence and the ingenuity of the bar is always going to be available to people who are charged, even under stringent legislation.

I personally would advocate the uniform ban on the sale of or manufacture of handguns and in fact the eventual exclusion of guns of any kind from our society, but I think that is a simplistic answer to the problem.

I think legislation to ban firearms from society would have little real effect on the real problem and would, in fact, criminalize a substantial quantity of people who are not the real problem.

Thank you.

Mr. CONYERS. Well, that was certainly a very interesting statement and I am sure the members of the committee are going to want to question both you and Judge Aspen very closely.

I would like to recognize Judge Joseph A. Power, presiding judge of the Criminal Division of the Circuit Court of Cook County, who has submitted to us a prepared statement which will be incorporated into the record at this point.

**STATEMENT OF JUDGE JOSEPH A. POWER, PRESIDING JUDGE OF THE CRIMINAL DIVISION OF THE CIRCUIT COURT OF COOK COUNTY**

Mr. Chairman and members of the committee, I was informed by Mr. Hart of your committee that, as the Presiding Judge of the Criminal Division of Cook County, I could be helpful to the committee if I would explain the operation of the Criminal Courts in Chicago and Cook County and be available for any questions which the committee feels would be helpful to them in their legislative task.

In 1964, Illinois enacted a Judicial Article which abolished a many duplicating and conflicting court system with no central administrative authority to unify, coordinate and supervise the courts. This article created a three tier court system of trial courts, Appellate Courts and a Supreme Court which had general administrative authority over all the courts.

In order to handle its astronomical case load, the Circuit Court of Cook County was divided into two Departments, County and Municipal. The Municipal Department was divided into six geographical areas for local convenience and trial of former municipal cases, criminal and civil.

The County Department, which hears the relatively major cases in Cook County, was divided into functional (as opposed to geographic) divisions. Seven divisions were established in order to handle the business of the court more efficiently through specialization. The seven divisions are: Law, Probate, Family, Divorce, County, Chancery and Criminal.

In an effort to effectively screen cases so that only the more serious criminal violations will be processed through the Criminal Division, our Constitution, enacted in 1970, provides that a person shall not be tried on a felony charge unless indicted by a grand jury and he shall be given a prompt preliminary hearing to establish probable cause.

As a protection to citizens that they aren't wrongfully accused, we have a case screened by a judge and a grand jury of 23 citizens before the accused can be held for trial in the Criminal Division.

For many years, we only had eleven judges hearing felony cases in the Criminal Division at the Criminal Courts Building at 26th and California in Chicago—which is adjacent to the County Jail.

In the past couple of years, our felony case load has been on the increase so that we have added an additional 11 judges to the Criminal Division.

As we had no more courtrooms in the Criminal Courts Building, we had judges from other Divisions and added to our Division by the Supreme Court, assigned to courtrooms in the Civic Center to hear criminal cases. We then assigned felony cases, where the defendants were out on bond, to these judges in the Civic Center.

Last year, twice the number of indictments of the previous year were returned by the Grand Jury and we again found ourselves needing more courtroom facilities and more judges and all the associated personnel.

Our Board of Commissioners of Cook County have responded to our request and we are in the process of construction of a new court facility to house twelve judges at 15th and Michigan which is near the Chicago Central District Police Headquarters. This should be ready about the first of the year.

We are hopeful that the Supreme Court will enact a rule which will enable associate judges to try felony cases.

Then we will have felony trials in each of the suburban districts where the crime occurs and the preliminary hearings are held. This will add at least 5 more judges to the Criminal Division and be more convenient for the arresting officers, the investigators, prosecuting personnel and the witnesses.

Also in the development stage is a new 14 story Criminal Courts Administration building adjacent to the Criminal Courts Building at 26th and California. This will house all of the agencies which service the Court—the State's Attorney, Public Defender, Clerk, Sheriff, Court Reporter, Jurors.

When these officers move out of the Criminal Courts Building into the Administration Building, 18 more courtrooms will be constructed in the Criminal Courts Building.

It is estimated that this work will be all completed by January 1, 1979.

The Criminal Division will then have 52 courtrooms available for the trial of criminal cases.

For the past few years, it has been estimated that a judge can dispose of approximately 260 cases per year.

In 1974, the grand jury returned about 7,000 indictments and we had 4,000 pending indictments.

Illinois has a law which provides every person in custody shall be tried within 120 days from the date he was taken into custody and every person on bail shall be tried within 160 days from the date he demands trial.

We have been able to abide by this law and I am confident that we will be able to continue to do so. I hope that this information has been of value to the committee.

Mr. CONYERS. Now, you may feel free to make any comments you wish to make, Judge, and again I say "Welcome."

Judge POWER. Thank you, Mr. Chairman.

Would you care that I reread the statement or is that now in the record?

Mr. CONYERS. It is in the record, so you don't have to read it.

I would prefer that you make any additional remarks you want and, if you don't have any, we can immediately move into the questioning of all three of you.

Judge POWER. Well, I would just like to express an opinion as a citizen, so to speak, on this subject.

I think the people are entitled to have a weapon in their home or in their place of business for their protection, but I think the weapons should be registered from the manufacturer, and calibrated and recorded, all the way down into the party who ultimately possesses it and that way, if a weapon is used and it can be ballistically determined, you would be able to apprehend the owner very quickly.

Now, that, in a sense, would solve many problems. I think we have to have a registration law for the purpose that I have indicated, but not only that, it would enable the court, where a person has a weapon who shouldn't possess it, and he has a record and he is involved in a crime, it is possible that you could not convict him of that crime itself but you could have a conviction for having a weapon that isn't registered and which is held unlawfully which would aid the courts in passing sentence on that particular type of individual.

Mr. CONYERS. Well, thank you very much.

This is an important part of our hearing, to have members of the bench join us; I would like all of you to feel free to respond to the questions that I am going to raise, and I think we should take legislative notice, if not judicial notice of the fact that there isn't anything that requires your answers to conform to one another.

The first thing that occurred to me is the whole problem of mandatory sentencing and I suspect that this 10-day mandatory sentence for nonregistration may prove very difficult to enforce because you are going to get the little-old-lady-in-tennis-shoes type of case, who after 50 years of registering, didn't happen to register or some other unusual case that leads to one of three things occurring.

One, that the police won't bother to even bring the case to prosecutorial attention; or, two, that the prosecutors will never give the judiciary a chance to get to it, knowing of the mandatory imposition that is statutorily placed upon judges; or, three, if the court gets it, they are faced with the motion of supporting a finding of not guilty or know-



ing that if guilt is found, they are going to have to give the mandatory sentence, with no discretion for any contemplation of the circumstances.

Is that one of the real problems that even this rather mild mandatory statute is confronted with?

Judge SHIELDS. I think there is no question of that. I am answering that or assuming to answer that, because it would probably be in my court where those problems would arise.

We are all apprehensive about that. I think what might happen, though, is that the responsibility might shift from the courts to the prosecutive authorities.

It may be that they will exercise, in the heinous case that you talked about—and let me just say that we had a case and I say this as an aside—of a police officer's mother who was in her 70's and in fact she was the mother of three police officers—

Mr. CONYERS. That is exactly the type of hypothetical I am talking about.

Judge SHIELDS. She was taken by her son to the airport as he went on a trip and he said, "Mom, would you take my gun home?"

And she went through one of the electromagnetic devices and was detected with the gun, and I honestly don't remember what disposition was made of that case, but I was afraid of that case in terms of the mandatory jail sentence.

Mr. CONYERS. I can assure you, Judge, that if a police officer's mother was sentenced to 10 mandatory days in jail, not only would you know about it, but also all of the newspapers in Washington, Detroit, California, and New York would have heard about the case.

Now, the second question—

Judge ASPEN. May I comment on that before you leave it, Mr. Chairman?

Mr. CONYERS. Yes, I wish you would.

Judge ASPEN. When you talk about a mandatory sentence, you open up a whole Pandora's box of problems in the criminal justice system generally.

It is my opinion that mandatory sentencing won't work on all levels. For example we have here in Illinois and have had for many years mandatory sentencing for armed robbery.

In Illinois a judge must sentence an armed robber to at least 4 years in the penitentiary; no probation, no work release or other types of mitigating sentences are permitted.

Now, we have had that law for many years in various forms. It was 2 years at one time, 5 years at one time, and a judge has no discretion in armed robbery cases because there is a mandatory minimum, no discretion on the down side, in any event, and we have seen within maybe 4 years our armed robbery charges have doubled so obviously mandatory sentencing in and of itself as a concept doesn't deter crime.

A bigger problem with mandatory sentencing is what it does to the system. In the case that you suggest, or that Judge Shields suggested people of goodwill will find ways to avoid the legislative intent of mandatory sentencing systems.



The State's attorney of Cook County, day after day in felony court-rooms reduces a charge of armed robbery to plain robbery so that the defendant can get less than 4 years in the penitentiary, who can be placed on probation, or have some lesser sentence imposed.

Now, I am not making any value judgments as to whether this is good or bad. I am just telling you from my experience. There is a necessary byproduct to mandatory sentencing and mandatory sentencing as a concept doesn't work in the felony trial court.

Now, I don't see how it is going to work as an absolute at a lower court level either.

Mr. ASHBROOK. Could I interrupt here?

The interesting thing about listening to your testimony, Judge Aspen, is you seem to somehow or other leapfrog over and I think that type of reasoning would work when it comes to taking away the firearm, so why wouldn't it be the same situation?

Judge ASPEN. I don't think it would work. All I—well, I think you misunderstood me.

Mr. ASHBROOK. I misunderstand quite often, so I might have.

Judge ASPEN. My position, perhaps I didn't articulate it as carefully as I should have.

What I am proposing is a ban on the sale, manufacture, and possession of handguns, not long guns or other types of firearms.

I am also suggesting that there be many exemptions: law enforcement officers, the army, et cetera.

Mr. ASHBROOK. But they are all groups, not individuals.

Judge ASPEN. I wasn't talking about the penalty. My opinion as to a penalty would be for a first offense, it ought to be a civil offense and it ought to be only a fine for a first offense.

For a second offense, I think it is fair to go into a jail type of situation.

So I am advocating for—I am not advocating for one instant that we have in the legislative scheme, that I would like to see operative, a mandatory jail sentence or any jail sentence.

I would prefer, for a first offender, that there be a fine only.

Let me also correct one other thing, that I said, which may have been mistaken, at least my colleague, Judge Shields, apparently misunderstood my remarks.

I don't quarrel with the people in the community or suggest a lack of sincerity with respect to those people who feel a need of a gun for self-protection and it is a feeling that permeates not only the ghetto, but it permeates other areas of the city of Chicago.

I have been a resident of the city of Chicago all of my life and I know it is prevalent in my neighborhood, it is prevalent in the suburbs.

The only point I was making was that on a practical matter, on a statistical matter, or a law enforcement or a court experience matter, from my viewpoint the possession of a firearm by these people does not actually help them.

I believe that in the long run, statistically it hurts them rather than helps them, but I don't quarrel with their sincerity and with the widespread view in the community that this is going to give them some kind of protection.

Mr. CONYERS. Well, now, on that point, I think you have articulated exactly what this committee and the Congress is up against.

We are up against a strong, emotional feeling about the safety that the possession of a gun brings people through what they consider their perceived experience as opposed to what the true statistical revelations of carrying a gun means.

Now, this describes our problem and that is why sometimes approaching it from a coldly factual point of view does not take into account strong held, subjective, and emotional feelings. This presents a very difficult problem, and I am glad that you articulated that point.

Now, the second question that I have is: Why do the police so frequently violate fourth amendment rights with regard to search and seizure?

I am not referring just to the gun court or just to the Chicago criminal courts, but a problem that is national in scope.

What I am hearing from a number of witnesses today here in Chicago is that those improper seizures and searches result in the inability to bring the prosecution under the gun law because, as soon as it is raised, it is almost patently clear on its face that it is an accurate and real defense and results in a dismissal of the case.

Assuming this to be true, why is it persisted in to such a great degree?

Judge ASREX. I think that is a very fair question, Mr. Chairman, and I think the answer is a relatively complex one.

The police officer on the beat has, in my opinion, even a more difficult job than you and I, with all due respect. I appreciate the role of the committee and certainly I know the problems that I have in my courtroom, but in the area of search and seizure, like any other constitutional decision, the police officer is expected to take a view of the U.S. Supreme Court which is probably a 5 to 4 decision, and probably consists of maybe 50 or 60 pages, and two or three concurring opinions and three or four dissenting opinions and then take that opinion and apply it on the street and that is a tremendous responsibility.

I think it is a very difficult chore and in many respects a very unrealistic chore.

I am not discounting the fact that you do have a police officer occasionally who is overzealous and doesn't do his job just as we have judges that don't do their jobs and Members of Congress who don't do their jobs as well as others.

However, all in all, I think it is a progression level and statistically the Police Department of the city of Chicago is excellent, and that is really a problem not so much of human beings not being of good will, but of human beings taking on the task that in many respects is very difficult.

When I have a complicated search-and-seizure decision in my courtroom, I go to the library. I do research. I might have some law students do research for me, and I hear arguments from attorneys on both sides. I read briefs and I may take it under advisement for a month before I come up with an opinion, that a police officer on the street in a confrontation between two human beings makes that constitutional decision right then and there.

I had a case in my courtroom, not a gun case, just a few months ago, of a police officer who—and it wasn't a Chicago police officer, but it

was one of the men on one of our suburban police departments, they made the mistake of not knocking on the door and announcing their office before they burst in to make an arrest.

These men didn't intend to deprive anyone of their constitutional rights. They just didn't have the knowledge at that particular time on how to handle that particular situation, which was unique to a very small suburban police department.

So not only did they violate the constitutional rights of the person involved, but more importantly, at least to them, they lost the case and the motion to suppress was allowed and a person who should have been convicted was not convicted but those are the realities of all of these constitutional decisions that police officers must make on the street and I commiserate with them because theirs is a difficult job and from my perspective, from the police work that I have seen in my courtroom, they are doing, on balance, an excellent job.

Mr. CONYERS. But it seems that, in the searches and seizures of the Chicago police, certainly in one of the largest metropolitan police operations in the Nation, there could be some fundamental appreciation and delineation of the rights.

I don't expect an officer to be carrying around the latest Supreme Court decisions or to be worrying about what the minority view said or what the new court may be likely to say, and I am sympathetic and I agree with you totally that the policeman has got a tougher job than judges and Congressmen.

However, there still seems to be a constant, repetitive, wholesale invasion of the rights of a great number of citizens in the municipal areas that are repeated throughout the United States.

Now, these have been of long duration. I am not talking about something that came out since *Miranda* or some recent modification.

I would like to yield to Judge Power.

Judge POWER. I think it is a question of how much time the police can put in on apprehending a criminal and it is mainly people that they know are in the rackets, so to speak, or who have records that would possibly possess a weapon or possess some article that could be confiscated such as maybe betting slips or things of that nature, and some of the answers they have given me when I have asked them; why don't they just be a little more patient and apprehend the person when he sees them involved in the crime, maybe taking bets or something of that nature.

And they say to me: "Well, we just can't wait. We know who they are. We see them walking in and out of these places. We know that they have gambling paraphernalia on them and it is a question of drying them up."

If they arrest them enough times, maybe they will put them out of business, but I tell them that if he does it illegally, he loses the whole case.

Mr. CONYERS. Your admonition, I must say, is well founded.

Judge SHIELDS. I am sure some of them see the greater good of getting the guns off the street. A great number of times they just see that the fellow has the gun so they think to themselves, "Let's get it off the street and put him through a hassle."

Mr. CONYERS. So this problem has bothered me for many years as a practicing attorney, as a member of the bar, and as a Member of

Congress, on the Judiciary Committee, and I appreciate your comments on it.

Let me just turn to another very serious allegation that is constantly made and about which I feel very strongly. There is some general notice that continues to surface the criminal court judges are soft on criminals or that there are a lot of convicted persons that are getting off lightly. From what I have heard here, I don't know how any of you three judges could be considered soft on criminals or anything approaching that.

Can you give me some explanations on that and, before anybody answers, I know that the business of fingerprinting is a very well developed one in the profession, generally speaking.

The police blame the judges; the judges blame the prosecutors. The prosecutors blame an unformed citizenry. The citizens blame everybody and so we get this kind of situation.

Mr. ASHBROOK. The Congressmen—all of them blame us.

Mr. CONYERS. Oh, the Congressmen, they all blame us.

Can you give me some comments, if you will, on this whole question of the general jumping upon the judiciary for just letting criminals in and out of the process?

How does this view come about?

Judge POWER. Well, I think it comes about because the judiciary, just by tradition, isn't supposed to get embroiled in any controversial discussions. We are to decide matters that come in court.

When we go around to the community groups, which we are doing, and discussing this criminal justice system with neighborhood groups where we answer all of these questions, and I hear the same as you do, Mr. Congressman, so I like the people to give me a for instance, give me a case and then we can discuss it.

However, it is hard to discuss anything of that nature without getting a particular case and analyzing it and giving an explanation.

I am certain if those situations exist, there is an explanation for them.

The thing that we are confronted with in the judiciary is legislation. We get accused of letting people out on bail who should be locked up awaiting trial and things of that nature, and I tell them: Well, if you will pass a law that will permit us to deny bail to people who are charged with violent crimes, the court would do it but we can't do it. There is no legislation and constitutionally we can't do it.

Repeated offenders are sentenced and then are released on parole. We don't release them on parole or we don't let them out prior to the maximum time of their sentence. That is the job of another agency.

I tell the people that if they want certain people incarcerated, I think we should have a habitual criminal law where, after you have two offenses of violence, you should remain in custody for the remainder of your life, to protect the citizens. We did have that and it was repealed maybe 10 years ago, and I think this shows the effect of the repeal of that law.

These are things that I think are needed and the court is powerless to do anything about it unless we have proper legislation.

Judge ASPEN. May I also respond to that, if I may, Mr. Chairman?

Mr. CONYERS. Certainly.

Judge ASPEN. I agree wholeheartedly with what Judge Power said. I also think that your question is based on a false assumption, not a false notion that the people in the community feel, because I hear the same thing that Judge Powell said, and I hear the same thing that you articulated as well.

I think there are a couple of false assumptions in that premise, which I think we have a duty to educate the electorate about.

The first is that sentencing generally in this country or in this city is soft.

We have, by far, the highest sentences, the longest jail and penitentiary sentences of any country. This is not a country—or there is not a country in the world short of a totalitarian one that has sentences as long as ours; any country.

Second, there also is a premise or a wish or a hope that a long sentence deters crime. Now, I think penologists and people in the academic field have studied this area and they will tell you, unfortunately, that is not the case.

Unfortunately, our penitentiaries, for the most part, are schools for crime. They are not schools for rehabilitation.

The term "the department of corrections," is a misnomer. We don't correct anybody. We create more crimes. I think what the judiciary does have an obligation to do, and I know I try to fulfill that obligation and my fellow judges like Judge Power and Judge Shields also, is to try to differentiate the defendant that appears before us and for that reason mandatory sentencing is generally wrong.

If I have a first offender and it is a nonviolent crime. I want to do anything I can to keep that man away from a penitentiary setting. I don't want to send a burglar there to come back as an armed robber.

I don't want to send an armed robber there to come back as a killer.

Mr. CONYERS. But that is what is almost surely going to happen by a prediction of all of the statistical evidence that has been presented.

Judge ASPEN. By sending them to the penitentiary?

Mr. CONYERS. That is correct, and we criminalize the criminals which may be the only redeeming feature of Judge Power's suggestion, that we don't let anybody out after two violent crimes.

I think that carries with it some terrifying implications, even for habitual criminals.

Judge ASPEN. But there is another responsibility that I was going to get to, which I think maybe puts what I said in perspective.

My remarks were addressed to the first offender. Now, the habitual criminal is something else.

I think it is naive of us to say that a man who has lived a life of crime is rehabilitated now and we ought to find a way to help that man.

I think when we deal with repeat offenders, our primary responsibility should be protecting society and there are some people who are so bad and intent in their criminal makeup that we have to, in effect, warehouse them for many years. We put them away for 10 or 20 years now, not in the hopes of rehabilitating them, but in 10 or 20 years, we know that they will not be out on the street and we are hoping that during the 10- and 20-year period that they will get old enough in age to burn themselves out.

Mr. CONYERS. But eriminal judges, do they not have some sort of responsibility, for the plaeces to which they sentence people for the violations of the statutes for which they are found guilty in their courtrooms?

Judge POWER. No, in our——

Mr. CONYERS. You say "no"?

Judge POWER. In the State of Illinois, whenever we sentence anybody for more than a year, we commit them to the department of corrections and it is up to the department of corrections to determine where this person should serve his time.

Mr. CONYERS. I know that, but if you are tossing them into a hole and you don't know what the conditions are, if it is not clear to you that an 18-year old being sentenced to 3 or 4 years is going into a place and he is going to be your future visitor in the courtroom, within a year after he gets out, and when you don't know that the place to which you are sentencing him is surely going to worsen his proclivity toward crime, there must be some obligations attatching to the judge that renders that sentence, sir, are there not?

Judge POWER. Well, the obligation that we have is to impose—that is, that is imposed upon us is one by law and if we find a person guilty, we have to commit him to the department of corrections or place him on probation.

That is why you have most of your first offenders who are on probation and maybe with some time in the house of correction in your own community, where you know what type of treatment they may get.

However, to get back to my other point about the habitual criminal law: One of the reporters who wrote up the Attiea situation, read where he had written that a 1974 study conducted by the National Council of Crime and Delinquency found that inmates released, at least 35 percent of them, always returned.

I talked to him just this afternoon and I happened to meet Reverend Irwin who has what they eall a PACE program here in our Cook County jail where they have private concerns who founded it and they obtain jobs for these people and they eounsel them and they work with them and do everything they can so possibly see that they won't return to the life of erime.

I asked him today. I said: Well, what is your present statistic now that you have been in operation a couple of years? He answered: "It is 30 percent."

I said: Well, that is the percentage that we have from the penitentiary in Attica, and in our own State."

And he was amazed. He said, "Oh, no, I think it is 70 percent from the penitentiary system."

And I said, "Well, I wish you would get me that figure because the figure I understand is what the reverend has told me," so even with the most dedicated people who are trying to help them, those who have been sentenced in a minor relationship, in less than a year we find 30 percent of those are repeaters and so I say that there is a professional criminal, no matter what you do for him, he is going to live a life of erime.

I think those that commit violent erimes, after they have been given a couple of opportunities to try to help them, I think we should

protect the poor fellow walking down the street and who happens to get hit on the head or shot. He deserves protection and that is why I recommend a habitual offender—habitual criminal law in the State of Illinois and if possible, in the Federal Government or on a national basis rather.

Judge SHIELDS. Now, sometimes the critics and perhaps those that say that the judges are soft on crime, in the dispositions, I think they disregard the fact that probations and conditional discharges and dispositions such as this are in fact convictions for criminal offenses and this is approbis to most of them.

It is a very serious offense to most people, probation is, because it means the loss of employment, less competency to be employed in the future, they must face those who have certain malice in their hearts because of having been victims of a crime, or being a member of society that is victimized.

Now, some may think that that is a soft disposition but to the offender, it is a very severe disposition.

Judge ASPEN. I think it is also fair to notice that the American Bar Association's standards in this area are such that they say that a judge must consider first and negate the possibility of probation before he considers any other sentence.

I think the reviewing courts in our State, and perhaps in most States, say pretty much the same thing.

Another area where we have a problem, and you alluded to it, Congressman, is what can judges do in terms of meting out the correct sentence for the individual and I espoused my philosophy on it, but I would add one other notion.

Of course, in the mandatory sentencing area, we have no authority.

Mr. CONYERS. Correct.

Judge ASPEN. I may have a 17-year-old boy who is the accessory to an armed robbery and the armed robbery was committed using a piece of pipe.

Now, I had a case in my courtroom where a young man who had never been in trouble, never had an arrest record, was an accessory to an armed robbery. He was celebrating the christening of his son. He drank too much and he drove a high school buddy of his and the high school buddy was a seasoned criminal, who had been convicted before.

Well, as they were driving down the street, the high school buddy said, "Let me out for a minute. I want to rob this fellow."

So he took a hollow pipe from a child's swing, out of the car of this young man, went out and threatened this fellow with the hollow pipe and took his money. The fellow who did the threatening escaped and fled the jurisdiction.

The man who was robbed got the license number of the car, and this young man was charged with armed robbery, because in Illinois, as in most States, an accessory before the fact is treated the same as a principal.

Under Illinois law, there is no discretion that a judge has and this boy had to go to the penitentiary for at least 4 years.

So this generally, I think, is illustrative of the problem with respect to the mandatory sentencing.



Mr. CONYERS. Gentlemen, we barely touched on these very critical areas, but I am very grateful for your testimony here and in response to some of my questions and I am now going to yield to the gentleman from Illinois, Mr. McClory.

Mr. McCLORY. Well, thank you very much, Mr. Chairman.

This is an extremely important part of our hearing here in Chicago. I might say that if everything was—if everything was rosy, if the administration of justice with regard to the existing gun control legislation was everything that it should be, we wouldn't be having any hearings here today, I am sure, and we certainly wouldn't be requesting you to come before us and give us the benefit of your testimony.

Likewise, I would like to reiterate, as the chairman did earlier, that one of the principal arguments, perhaps the principal argument of those who oppose any additional Federal gun control legislation is:

Why doesn't the court or why don't the courts enforce the existing laws; that the existing laws are not being strictly enforced in accordance with the intent of the Congress and the State legislatures and so on.

I have some problem, Judge Shields, with your testimony because you appeared to be testifying originally with regard to the great difficulty of imposing stiff penalties because of the maneuverings of the defense lawyers because of the difficulty of producing evidence and because of the skill of the lawyers for the defendants and for other reasons.

Then you seemed to turn now more to the justification for probation and parole and lighter sentences and that we don't want to send first offenders to jail because they will be back as hardened criminals and that sort of line, and they seem to be just a little bit inconsistent.

Now, are you aware of the report of the Chicago Crime Commission, of the study made in branches 26 and 27, during the period from March 14 through March 17, 1974?

Judge SHIELDS. Yes, I am.

Mr. McCLORY. And were you the judge sitting in those branches at that time?

Judge SHIELDS. I was not.

Mr. McCLORY. You were not the presiding judge at that time?

Judge SHIELDS. I was not, and I have probably no comment as to that study, because I was not there and I was not privy to what actually happened there.

Mr. McCLORY. I see.

Judge SHIELDS. I can testify as to what has happened in that court since I have been there.

I was at that time presiding in a court called the jury court, which is the court to which people went when they asked for a jury from that court.

Mr. McCLORY. Was a response to that report prepared and filed by the circuit court or by a circuit court judge, do you know?

Judge SHIELDS. I cannot answer that. Perhaps Judge Power would know the answer.

Judge POWER. That is in the municipal district, so it would be a district that I would have no control over.

Mr. McCLORY. I see, but, Judge Shields, you are in the municipal district?



Judge SHIELDS. I am a judge in the municipal district, and I sit in the gun court.

Mr. McCLODY. Now, for instance, in the statement of Mr. Schiller, executive director of the Chicago Crime Commission, who we heard just earlier here, he said of 58 defendants in the sample which was taken, during that time, 48 percent had either prior felonies or non-traffic misdemeanor records which seems to be quite at variance with your experience in that your experience seems to be that most of the defendants are first offenders and a number of them are old people and they are not the kind of hardened criminals that we hear so much about going out with the Saturday night special and holding up people and then coming into the gun court.

How do you reconcile what they said or what they reported with what your experience has been?

Judge SHIELDS. That has not been my experience. I am testifying from my experience, and I don't mean to disagree in a public posture with the studies of the Crime Commission, but my experiences are what I am testifying to in the gun court.

Mr. McCLODY. Could you or could you, Mr. Chief Justice, indicate to us who the responsible jurist is in that courtroom or was at that time?

Judge POWER. I would say that you would have to check the records on that day or for that period and find out what judge was assigned to that court, and have him check the particular cases and give explanations as to each case.

Like I say, it is hard to generalize on these things.

If somebody says you are soft on crime, I say, "Well, name the case and let's look into it."

I am certain that there is some explanation that can satisfy everyone as to the dispositions.

Mr. McCLODY. If the 48 of the 58 cases did involve 48 percent—48 percent did include that with prior offenses, and they were discharged, that would be—that would bear a little looking into, wouldn't it?

Judge POWER. It would bear some looking into what the prior offenses were and what the circumstances were; yes.

I mean, you just can't give an answer to it, without knowing the facts. That is what the court is there for. We can't generalize anything. We are there to deal with each case on its particular basis and make the determination on that basis.

Mr. McCLODY. Judge Shields, I am a little bit concerned about this business of a person who is brought before you on a gun charge, and does not produce any evidence of his being a registrant and your frustration at not being able to call in the—I guess the municipal clerk, the city clerk, to establish the registration or lack of registration.

Isn't it true also that we have a State law which requires each gun registrant to be licensed?

Judge SHIELDS. Yes, sir.

Mr. McCLODY. Now, isn't it required that the licensee establish his license?

Judge SHIELDS. In order—well, if there is in fact testimony against him, there is a recent case that just came down from the appellate court—no, I think it was from the supreme court, that says that the

mere fact that he did not have, on his possession, the document it wasn't necessarily—now, let me see just exactly how that was put.

The mere fact that the officer testified that he had not produced the document indicating that he was in fact licensed as a gun registrant, was not adequate to sustain a conviction that he was not in fact registered.

Now, the fact is that the defendant does not have to help the prosecution on his own. The defendant has an absolute constitutional right not to assist the prosecution. If the prosecution can do nothing other than say, "We found no such document in his belongings," that certainly is not enough to sustain a conviction.

Judge POWER. I would recommend to the prosecution, if at all possible, that they would get the person who is responsible for keeping the records of registration and have him in court with his records to show that this person was not registered.

I think that would be the proper method of proof.

Now, if the prosecution does not have that proof in court, you can't fault the court for that.

Judge SHIELDS. I don't really mean to imply that I am faulting the prosecutor by that, but in a high volume court to mechanically have people there in court with access to this information is just unreasonable.

Mr. McCLODY. Well, I assume that in the original application of the ordinance, there were a number of persons who came in and said that they had registered their firearms within the last 10 days or something and then the statute was amended in 1971, to provide, in addition to the existing law: "The burden of proving any firearm was acquired within such 10-day period shall be upon the person charged with the failure to register such firearms."

Judge SHIELDS. That is a completely different area. That is a situation wherein the defendant asks for a finding on a directed basis, then, at the close of the prosecution's case because they haven't proved a firearm law violation except that the gun was acquired within the past time period.

When that problem arose, they amended the ordinance so if somebody is going to use that as a defense, the defendant has to suggest it.

Mr. McCLODY. Is it your position that neither with regard to registration nor with regard to licensure, that there is any burden upon the registrant or licensee to have and maintain with him or to establish that he is actually licensed or the registered owner of a firearm?

Judge SHIELDS. It is my belief and my opinion that a defendant in a case has no burdens whatsoever.

He is absolutely presumed to be innocent at all times until the State has sustained a prima facie case.

Mr. CONYERS. Would the gentleman yield briefly?

Mr. McCLODY. Yes.

Mr. CONYERS. Why in the world can't the prosecuting attorney subpoena the records to determine if the licensee has a license or, at the very minimum, make a telephone call to find out?

I mean, your court can't be that busy.

Judge SHIELDS. You know yourself, Congressman, that a telephone call, the result of a telephone call, is certainly not admissible in evidence.

Mr. CONYERS. But the telephone call would identify that the defendant in fact does not possess a license and it would give the basis for proceeding with a case.

On the contrary, if the telephone call revealed that Joe Jones in fact had a license and it wasn't in his possession at the time, then he would know that the case is going nowhere. I mean, we can't be that busy that the prosecution can't make that simple determination.

I quite agree with you that a defendant has absolutely no responsibility to assist in the proving of a case against him. There is no question about that.

Judge POWER. I would think it would be simple to have somebody from the gun registration office with his records there and he would be able to go through and say, "We don't find that this man is registered." And that should establish a prima-facie case.

I think the prosecution should give some thought to having, if there is that much of a volume of business, he should give some thought to requesting the city or the State to have a person in the courtroom with those records.

Judge SHIELDS. He is talking to us now as judges, and we are resolving these cases based upon the evidence presented before us, on the day-to-day basis and that is what we are commenting upon, not what the prosecutor should or shouldn't do, or what his responsibility should be.

I am talking in terms of what our decisions have to be based on, which is the evidence presented.

Mr. McCLORY. Don't you feel a concern about that, Judge Shields?

Judge SHIELDS. Absolutely, I do.

Mr. McCLORY. Tell me, are there any written pleadings in your court?

Judge SHIELDS. There is a complaint and that is all. There is no respondent pleadings.

Mr. McCLORY. No response by the defendant?

Judge SHIELDS. No, no responding pleadings other than motions.

Mr. McCLORY. Is there any procedure whereby, in order to improve the administration of justice in your court, that you or the chief judge or the Judicial Conference of the judges of the circuit court sit down and decide what is inadequate, what the deficiency is and what the recommendation you should make to the city council or the State legislature?

Judge SHIELDS. I will make a suggestion right here and now, that I think should be employed and that is such as they do when they certify the breathalyzer test results in drunk driving cases, much as they do when they certify the scale readings on overweight truck situations or something that might come up on hearings before the secretary of state with regard to the revocation of the driving licenses.

There should be a certification document prepared and submitted on behalf of the certifying authority attached to the file and that could be admitted under business records and then that kind of a thing could be made a part of the law and then those registration charges could be properly presented.

That is not the case now and I would think that that should be a legislative activity area.

Judge POWER. You must remember that the court is neutral and we can't suggest to the prosecutor what we think is proper proof because maybe our suggestion would be wrong.

They have to prove their case the way that they think it is under the law; and decisions, and then after we hear all sides, we will make a determination.

However for the court to suggest that this would be the proper method of proof, we would be faced with possibly being wrong and after we had made that suggestion, the State's attorney could say, "Well, you told us to do this and we told you."

But we hadn't heard all sides of it and the only way that the court could make a proper determination is after hearing all sides.

I would suggest, if the cases are being dismissed because of lack of some proof, that the prosecution should determine what is the proper proof himself and then we will rule upon it.

The court can't take an affirmative position either way.

Mr. McCLORY. I am not talking about you telling the prosecutor anything.

I am talking about you being the best judges of the administration of justice in your courts.

Judge POWER. Yes.

Mr. McCLORY. And on that basis, as to whether the law is being fairly and fully and adequately administered. You can make the best recommendations to the city council, to the State legislature, and to the Federal Congress.

We get our recommendations from the Judicial Conference. We get them from the Chief Justice of the Supreme Court, and they are certainly not overstepping their bounds. What they are doing is they are trying to fill in the gaps in the existing inadequate judicial machinery and I am confident that that is a very important problem that has to be met.

Judge POWER. Every year our Supreme Court makes a recommendation to the legislature, not as to terminology but as to things that they feel the court feels are necessary to improve the administration of justice but I don't think any recommendations have ever been made and there has been no request to go down to the municipal level.

They make it to the legislature.

Mr. McCLORY. This is just a suggestion and I would like to ask about one more thing, and I would like you to do this for me, and furnish it to the committee.

I would like to have the name or names of the judges who were involved in the Chicago Crime Commission report and I would like to have a response from either you, as the chief judge, or the judges who are responsible, to explain what occurred during that period that was under examination.

Would you do that, Judge?

Judge POWER. Sure.

I am in the criminal division, but I will relay that to Judge Wachowski, who is the presiding judge of the municipal division.

I am certain that he will take care of that.

Mr. McCLORY. I yield, Mr. Chairman.

Mr. GEKAS. On the question of proof of registration, Mr. Chairman, even though a defendant when he stands before the court cannot be asked whether or not he has registered the gun, you can check the registration records, and as long as the crime is a crime that was committed after the point of his registration, you can subpoena those records and they can be used in court.

As a matter of fact, when chief counsel and I were in the offices of the registration, there were such subpoenas being served and I assumed that Sergeant Figlioli who sat there earlier, testified to that.

Mr. CONYERS. I would like to recognize Mr. Ashbrook for the final questioning of the day.

Mr. ASHBROOK. Thank you, Mr. Chairman.

I first would like to direct a number of questions to Judge Aspen.

Do you have, for your edification, statistics indicating the frequency or the degree of ownership of firearms, handguns in the Chicago area, as against the rest of the State?

Judge ASPEN. No, I do not, but I would suggest that perhaps the police department, if anyone has those statistics, they would have them.

Judge POWER. I think General Kane perhaps has them.

Judge ASPEN. Perhaps General Kane of the city administration has them.

Judge POWER. I thought he had indicated that he felt at one time 90 percent of the people had guns or some such figures in Chicago, and that they were registered.

Mr. ASHBROOK. I was talking about registration—I was talking about the accessibility, ownership, not even whether it is legal or illegal, firearms in the city as against the rest of the State.

Judge ASPEN. I don't know what the experience in the rest of the State is.

At one time, I think I heard a figure, a few years ago, by the superintendent of police, to the effect that there was something like a half million guns registered and, that was his statement, and that there were another half million guns registered in the city at that time, but I really have never seen any statistics as to downstate Illinois.

Mr. ASHBROOK. Would you have any idea on figures what the percentage would be per person; in other words, how many guns per person in Chicago, as against the guns per person in the rest of the State?

Judge ASPEN. No.

I certainly have no information as to that.

Mr. ASHBROOK. I was asking that because one of the things that you said struck me rather initially. You indicated rather factually going on to attack other myths, that there were statistics showing the cause and effect relationship of the availability of handguns to the increase in crime.

I would assume if that is accurate on your first page, there must be about four handguns in Chicago per person, relatively speaking, to the handguns per person in the rest of the State, inasmuch as the statistics of the crime commission, in your city, indicate that although your metropolitan area is in an area in particular only of 44 percent of the State populationwise, but on a statistical basis, they have 85 percent of the murders and 90 percent of the robberies.

So if there is that cause-and-effect relationship, as to the availability of handguns to the increase in crime. I would assume that you would have to extrapolate from that that there are many more times the guns per person in your area than there would be in the rest of the State.

Of course, I am saying that obviously as a person who does not basically believe that there is that cause-and-effect situation, but you so clearly set out and I figured it had to be based on some statistics.

Judge ASPEN. It is based on some statistics and the statistics I would suggest are available from many areas.

I have before me just one particular statistic compiling service and this is the Massachusetts Council on Crime and Correction and I am sure you are familiar with that organization.

On page 2 of their brochure, they have a chart indicating percentage of gun ownership in a particular State, contrasted with the overall murder rate, for example.

Now, these statistics are available by many of the proponents of gun registration or gun ban. I did not bring any others with me but the Lindsey report has these statistics available.

My comment today was primarily on the argument that gun control has no effect on the criminal and that in effect has a harmful effect on the average citizen.

As to the basic premise of the cause-and-effect relationship, between the promiscuous use of and proliferation of guns and crimes committed with guns, there are all kinds of statistics available.

Now, you can believe them or not, but I believe them.

There are three in particular: Lindsey's report, McCall's book, and also in the Massachusetts Council on Crime and Correction report.

Mr. ASHBROOK. I think you would have to agree, though, that if those statistics in that general theory fit in Illinois, on the basis of your statewide crime statistics, there would have been a much greater frequency of gun ownership and gun accessibility in Chicago than the rest of the State.

Judge ASPEN. If you are asking for my opinion, I agree with you, but you asked about any statistical data which I do not have.

It is my opinion that probably in the city of Chicago we do have more handguns floating around than they do in other areas of the State.

Mr. ASHBROOK. It would be my experience that that generally is not the case.

I mean. I think Arizona, New Mexico, Wyoming, Idaho—States of that type generally show more handguns per person and less of what you might call the serious crimes: Murder, armed robbery, and so forth.

Judge ASPEN. That is like talking about apples and oranges.

I don't think you can compare a western community which has a different tradition of handgun ownership and control with that of an urban area like some of our major large cities.

I am sure that that is true out west, but I don't think that they have the urbanization in any of those cities that we have in Chicago, Detroit, and many other cities that you people will be going to.

Mr. ASHBROOK. Not for the purpose of arguing but that would seem to make a case for what some of us would advocate and that would be

selective registration if any registration at all, and certainly, against an overall Federal banning or confiscation or registration of firearms.

Maybe Judge Levi's—or excuse me, General Levi's recommendations would be more applicable in the Cook County area than they would be for use considering the entire country.

I guess every time I hear the statistics, I find the story that they more often than not relate to the cities than they do to the rest of the country, and I recognize our problem and our responsibility and it is very hard to know what to do when you see the incidence of the problem in the cities and yet the application we are talking about is to every area in the country.

Judge ASPEN. The problem, of course, is where does the city begin and where does the country end.

A very good law that affects only the city of Chicago is meaningless if out in our suburbs we have gun shops available for people who want guns, regardless of what the city law is.

It is like having cigarette stores available outside of the taxing unit, or liquor stores. We have seen that in all parts of the country where something is prohibited in one area, while the fringe area makes up for that and I just don't think, based upon the Chicago experience here and based upon the experience in other areas of the country, that when you are talking about the lethal weapon that a handgun is, that you are really having any effective local ordinances because it is essentially a small country in many respects in terms of communication and in terms of accessibility.

I just don't think it would work.

Mr. ASHBROOK. I would say on that point that the testimony earlier of General Kane seemed to indicate that they had a high incidence of cooperation in the suburban areas indicating that most of the dealers there supplied registration forms so that there was information that the police could go out, after 10 days, if a person from Chicago buying from the suburbs did not register, so maybe that problem is being answered by cooperation, but I doubt that it is 100 percent or even close to it.

Judge ASPEN. Even if that was answered by cooperation between the suburbs, I would suggest that a 20-minute ride to Indiana from some parts of Chicago and less than an hour or maybe an hour's ride to Milwaukee—I don't think that the problem of handguns is a local problem.

I think that it is a national problem and that is why we are having these hearings.

If it was a local problem, we would be hearing these before the city council right now rather than this group.

Judge POWER. I think such a law would be good for Chicago. You would drive the criminal out into Arizona and take the guns and go out to Arizona.

Mr. ASHBROOK. I think if any of us thought that would be so, we would probably be a little more susceptible.

Judge POWER. Well, I think that that would be possible.

Mr. ASHBROOK. That is all I have.

Mr. CONYERS. Judges, you have added a great deal to our discussion.

We hope that this communication will not end at this very brief appearance that you have made before us. It is very important, as Mr. McClory indicated through the course of these hearings, and I express again on behalf of the entire subcommittee a deep gratitude for your joining us this afternoon.

On that note, the subcommittee will stand in recess until tomorrow morning at 10 o'clock.

[Whereupon, at 5:16 p.m., the subcommittee recessed to reconvene at 10 a.m., Tuesday, April 15, 1975.]



## FIREARMS LEGISLATION

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CHICAGO, ILL.—TUESDAY, APRIL 15, 1975

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON CRIME  
OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met, pursuant to notice and prior resolution, at 10 a.m., in studio "A", WTTW-TV, 5400 North Saint Louis Avenue, Chicago, Ill., the Honorable John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers, McClory, and Ashbrook.

Also present: Maurice A. Barboza, counsel; Timothy J. Hart, assistant counsel; and Constantine J. Gekas, associate counsel.

Mr. CONYERS. The Subcommittee on Crime of the House Judiciary Committee for the present sitting in Chicago, Ill., will come to order. We are pleased to begin our second day of hearings.

Before we introduce the distinguished panel of Chicago medical doctors who are to be our first witnesses this morning, I would like to yield to Mr. Ashbrook, the gentleman from Ohio.

Mr. ASHBROOK. Well, thank you, Mr. Chairman, for yielding. I appreciate you taking this time. I thought the record should show something but I think the chairman and the members know that may not be generally known by those in attendance today.

I have been contacted by a considerable number of people who are here, who came with the idea in mind of thinking they would be able to testify; some coming from as far as Wisconsin and other neighboring States.

I understand the strictures of time and the format as set up by you, Mr. Chairman, and I merely wanted the record to show that there are a considerable number of people here and the fact that they cannot testify does not, in any way, imply any lack of interest in their position.

I think, as they have seen, there are all points of view on this panel and I merely wanted the record to show that.

I would like to ask at this time that a statement which I have received and read from the Wisconsin Rifle & Pistol Association be placed in the record inasmuch as Mr. Schulz and those who attended are not going to be able to testify.

Mr. CONYERS. Without objection, it is so ordered.

[The statement referred to follows:]

### STATEMENT OF THE WISCONSIN RIFLE AND PISTOL ASSOCIATION

GENTLEMEN. We deeply regret the subcommittee's decision in not assigning the W.R. & P.A. a speakers position in the present hearings.

However, in accordance with instructions in Chairman Conyers' letter to us of April 8, 1975, we respectfully submit our remarks as a written statement attached herewith.

It is our desire that these remarks be included as a permanent part of the transcript of these proceedings.

Our organization stands ready to assist you in whatever way possible in your present efforts to determine the best course of action as regards federal firearms control as it relates to the reduction of crime.

Very truly yours,

CRAIG H. SCHULZ,

*Director of Public Relations, W.R. & P.A.*

The Wisconsin Rifle and Pistol Association represents 3,500 sportsmen and hobbyists throughout Wisconsin who ordinarily do not care to draw the focus of public attention through legislative hearings and the like. We obey the laws and pursue our interests without disturbing others. However, it is apparent that we can no longer sit back quietly and assume that everything is going to turn out okay in the end if we just give it time. Frankly, we are tired of being slandered and maligned by half-truths, innuendo, and blurred statistics over "gun control," an issue which has been forced on the public in place of the proper issue, "crime control." We could quote statistic against statistic, police chief in favor of stiff gun control against police chief against gun control, and so forth until in the end we would all be confused. It should be noted that recently released FBI figures on crime indicate that most of the increases in crime are not weapons related. We must also point out that even if we accept popular figures on so-called "crimes of passion" involving guns they represent a very tiny fraction of estimated total ownership of firearms.

Raw statistics which claim to indicate the number of crimes involving firearms including so-called crimes of passion must be assessed rather critically because such figures do not reveal how many crimes are prevented by the private use of firearms, or how many crimes are committed by the same criminal with the same weapon. Further, no study has been conducted to determine how many crimes would actually be prevented by further restricting firearms when there are so many other potential weapons readily available in every household and variety store.

What we need is clear thinking without emotionalism and a closer look at the facts.

#### THE HANDGUN CONTROVERSY

Most of the present gun control controversy seems to be over handguns. Many people say that handguns are useful only for shooting people. We have heard this from the mouths of otherwise responsible Congressmen. Such a statement is patently ridiculous and may be considered a symptom of "cops and robbers syndrome" fostered by the gun related violence on television, something which we do not condone. Most handguns are not manufactured for use against people. Any good police officer, security guard, or military man will tell you there are only a few handguns he would want to find in his holster if he must shoot at a person with intent to stop him.

There are many legitimate, justifiable uses of handguns for private citizens not belonging to military or law enforcement organizations. Among them are:

(1) Hunting. Small game hunting with handguns is permissible and practical in many areas due to their maneuverability and limited range, and there is rapidly increasing interest in big game hunting with handguns.

(2) Match or team shooting. There is much greater challenge in target shooting with handguns than with long guns, which adds to the sportsmanship. There is widespread growing interest in handgun matches because age, sex, and many physical disabilities are no barrier to equal competition.

(3) Casual target shooting. Handguns lend themselves well to private, casual target shooting, otherwise known as "plinking," because of their excellent adaptability to very limited distance ranges and inexpensive target equipment.

(4) Collecting. Handguns are the object of thousands of collections because of their infinite variety, excellent workmanship, and historical interest. Compared to long guns, handguns are easier to display and easier to secure against theft. As an investment good handguns are one of the fastest appreciating collectable items, and Americans have hundreds of millions of dollars invested in them.

(5) Home and personal defense. No one truly interested in maintaining a peaceful orderly society can argue against the citizen's right and obligation to defend himself, his home, and his family against crimes of violence and personal injury. Be it real or psychological, handguns are of great value for personal and family defense and as a major deterrent to crime. In this context we admit that handguns can be used against people but we urge government to provide a social environment and criminal justice system which will reduce the necessity of using handguns in this manner.

(6) Tool of survival and necessity. Hunters, trappers, hikers, campers, and others who enjoy our great outdoors have used handguns for generations to dispatch wounded or dangerous animals. To this list we can add farmers and ranchers who have used handguns for decades, often loaded with shot-type cartridges, to control rodents and predators which prey on domestic animals and food supplies and carry human disease. To this list we can also add many pilots who carry a handgun in their survival kits in case of forced landings in desolate areas.

(7) Well regulated militia. In the event of war responsible citizens who own firearms including handguns and are trained in their use through their sports activities may be a major factor in national defense under the direction of the National Guard or other branch of the military. In times of great natural disaster these same responsible citizens can be deputized by law enforcement and civil defense agencies to serve as security guards and such other functions as may be necessary to ensure civil peace and order until relief can be obtained.

#### PROPOSALS TO REDUCE CRIME

There are entirely adequate firearms laws in effect at this time, but public officials have been entirely too lax in their application and enforcement of these laws. We urge rigorous enforcement of existing laws. The Federal Firearms Act of 1968 provides that known felons are prohibited from owning firearms; adequate funding should be provided so that this provision can be enforced. Firearms related sportsmen and hobbyists want tough mandatory sentencing of convicted weapons laws violators, including persons convicted of theft of firearms, particularly for second and third time offenders.

We would propose prohibition of the future manufacture of die cast zinc and white metal framed firearms whose low prices are their main attraction and whose poor reliability prevents their practical application in the legitimate uses detailed above. We hasten to add that any attempt to mechanically define the so-called "Saturday night special" should include the advisory services of experts in the field of handguns as it is painfully apparent from the wording used in many pieces of proposed legislation that they are written by people who have only a vague knowledge of firearms.

In order to ensure the proper use of firearms and the public safety we urge that modern suitable ranges be built in metropolitan areas to provide a safe and proper outlet for the shooting sports in populous areas. In further regard to the use of ranges, any scheme which would require that sporting and target arms be kept at the ranges would destroy programs of individual and team matches which are gaining popularity throughout the country. A sporting and target gun is a very personal machine which requires the constant attention of the shooter. It is essential that competitors be allowed to transport their guns from home to the range and from range to range in order to compete. A good comparison can be made to the automobile racer who must be able to transport his vehicle from his shop to the track and from race to race, the automobile also being an inanimate object which can be and is widely misused for the commission of crimes, including "crimes of passion."

#### CLOSING STATEMENT

We will remain unalterably opposed to the registration of firearms as we can see no way in which registration will reduce crime, which is said to be the object of firearms control. American sportsmen and hobbyists are cooperating fully with law enforcement agencies in the identification and recovery of stolen or misused guns, without registration. There is no way that criminals can be convinced to register their weapons as it is likely that such action would amount to self incrimination. We are then left with the prospect of further entangling responsible citizens in a web of unnecessary regulation. If a list of registered firearms should fall into the wrong hands it could lead to theft of these firearms almost guaran-

teeing that they will be misused. Worst of all, we believe that those who propose firearms registration have firearms confiscation as their ultimate goal. Once again, such efforts could only be directed against the honest citizen, the responsible sportsmen and hobbyists who registered their guns. It would do absolutely nothing to reduce crime. It would do a great deal to demonstrate that our Government, of the people and for the people, no longer trusts the people. Gentlemen, let's do nothing more to further infringe the right of the people to keep and bear arms, a constitutional guarantee we hold as sacred.

Put the burden of paying for crime where it belongs, on the criminal.

The above remarks prepared and approved by the Board of Directors, Wisconsin Rifle and Pistol Association, Craig H. Schulz, Director of Public Relations, 10414 Seven Mile Road, Caledonia, Wisconsin, 53108. Copies available upon written request of responsible groups or individuals.

Mr. CONYERS. I would like to merely supplement the gentleman from Ohio's observation, that we are very pleased for all of those in attendance and we are perfectly aware there are many differing views on the subject—many of them are closely held—and that we are glad that everyone came out.

We regret that we can't turn this into a townhall meeting. I suppose that might, in some way, have some beneficial effect but our witnesses were drawn up for weeks before we came here and I am sure that for any who would like to communicate their further views to his or her particular Member in the House of Representatives or either of your two Senators or to any of the members of this subcommittee, we would certainly be happy to entertain any further comment on this subject.

While I am on the subject of protocol, I might just remind you that we ask our audiences in congressional hearings to refrain from any verbal indications of support or disagreement with respect to any of the positions that they might have.

I am sure that we are all familiar with those general kinds of rules and, with that, we should begin this morning's hearing.

Mr. ASHBROOK. Would the chairman yield for one more observation.

I particularly emphasize what you indicated regarding communicating with members of this subcommittee.

I would say in all honesty, in listening to testimony and receiving mail, the person who says he doesn't like to have it stated but most of us hear the same arguments for and against, and those who have a position and want to send it to me, to the extent that is different than anything I have seen, I would be glad to see, at that point, that it does get in the record so that their opinions will be looked at, sifted, and, frankly, many of us say the same things on both sides.

I don't think we will be repetitious but I will be glad to include in the record observations that do contribute a different point of view.

Mr. McCLORY. I have had the opportunity to meet with groups of people on this subject, Mr. Chairman, primarily with those who express opposition to additional gun control legislation.

I personally have only invited one witness to come here and he will appear later this afternoon; Michael Schrank, a member of the Little Fort Gun Collectors' Association.

I should say that I did communicate with the State's attorney, Bernard Carey, who indicated a desire to come and he appeared yesterday and those are the two witnesses that I had personal contact with.

Mr. CONYERS. Thank you very much.

Dr. Replogle is the chief of cardiac surgery at the University of Chicago Hospital and Clinic, and professor of surgery, and is also con-

nected with the University of Chicago Pritzker School of Medicine. He is with us with a distinguished group of medical panelists and we have already received, Doctors, your prepared statements, which will be entered, without objection, into the record.

[The prepared statements referred to follow:]

**STATEMENT BY ROBERT L. REPLOGLE, M.D., PROFESSOR, DEPARTMENT OF SURGERY,  
THE UNIVERSITY OF CHICAGO**

The case of handgun control can be made from many aspects, humanitarian, sociological and economic. As a physician directly involved in the care of patients who are victims of gunshots, I can speak with considerable experience on the humanitarian aspects of the issue. Perhaps the most pathetic examples of the need for controlling weapons are the small children who are damaged or destroyed intentionally or accidentally. The pathos that arises in each of our breasts as we watch the plight of the Vietnamese orphans could be aroused in the emergency rooms of our major city hospitals over and over again, year after year. The youngest victim in my experience was a three-month-old baby who was shot by his five-year-old brother while they were playing with their father's handgun. It is inconceivable to me that at a time when one of the major disadvantages to city living is violent crime that we cannot regulate the availability of weapons principally responsible for disabling injuries and death. While the humanitarian reasons for regulating handguns are uppermost, there are economic reasons as well.

Through the efforts of Ms. Derry Henderson, we have reviewed a random selection of 100 patients admitted to the University of Chicago Hospitals and Clinics following handgun injuries to ascertain the type of injury, the length of hospitalization and the ages of the patients. From these 100 patients there were 3 deaths. The average age was 31 years and the range was from 7 years of age to 80 years. 10% of the patients were 16 years or younger. The average period of hospitalization was 13 days, the total being 1,316 hospital days for the 100 patients. The average daily cost for hospitalization, including all the laboratory fees, drugs, operating room charges, professional fees and so on could be conservatively estimated at \$400 a day. This produces a cost to society of \$526,000 for these 100 patients and since there are approximately 350 gunshot victims seen at the Billings Hospital each year, the total cost of treatment of gunshot victims at this one hospital in the city of Chicago is \$1,842,000. This does not of course include any estimate of the direct cost for loss of property, long-term rehabilitation or time loss from employment. Projecting this cost on a nation-wide basis would produce numbers which are truly mind boggling.

This expense viewed in light of the problems faced by hospitals and physicians is amplified by what is currently called a crisis in medical care. Benefits for Medicare are being reduced because of the cost. Bureaucratic paperwork, beyond my comprehension, is being introduced by the government to regulate and reduce (the proponents believe) the medical cost of treating patients. The expenditures for research into the cause and treatment of cancer and heart disease have been cut because of insufficient funds. At the same time, we are permitting the luxury of the indiscriminate use of handguns, the defense of which ultimately seems to be derived from the Second Amendment to the Constitution.

I would favor a federal law banning the manufacture or sale of handguns. The only legitimate use of a handgun that I can understand is for target shooting, and it seems to me that the benefits to society of eliminating handguns far exceeds the pleasure derived from target shooting by those legitimately participating in that sport.

Thank you very much for the opportunity of making this statement.

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**DEATH BY VIOLENCE, THE BLIGHT OF INNER CITY, U.S.A., BY CLYDE W.  
PHILLIPS, M.D.**

Mr. Conyers and distinguished members of the Congress, the murder of one human being by another, no matter what the circumstance, is a tragedy beyond compare. The recently released figures published by the Chicago Police Department, detailing "Murder Analysis" for the year 1974 are distressing for the city as a whole and the inner city in particular. As you no doubt know, there

were 970 murders committed in Chicago last year. If one considers, even casually, the epidemiology of this violent disease, the following figures stand out in stark, bold relief. In the second police district, or Wentworth, as we Chicagoans know it, the highest incidence of murder in the city occurred. Homicides at a rate of 82.9 persons per 100,000 population were recorded. The Wentworth District encompasses one of the highest population density tracts on the South Side of Chicago, a typical inner-city community. The next highest incidence of murder occurred within the boundaries of the twelfth police district, or the Monroe Station, which serves another inner-city area on the near West Side of Chicago. Here, 66.3 murders per 100,000 population were committed. This also is a densely populated part of the city with people from many ethnic origins: Latin, Black, native American, and white. The majority (68.96 percent) of these homicides were committed by assailants who used firearms, in particular, handguns (50.51 percent).

As a native-born Chicagoan and resident of the inner-city for most of my life I have encountered this unfortunate circumstance of man against man, first as a citizen and secondly as a surgeon, treating many of these victims in inner-city hospitals such as Provident and Cook County where I have served. These brutal figures are startling to my colleagues and me, as well as all citizens of the Metropolitan Chicago area. One might properly speak of death by violence as a disease, with its highest incidence within the inner-city. Further epidemiological study of this disease recognizes immediately that a strong, productive factor of the illness is rage, a rage which arises within the breast of the inner-city dweller as a direct result of frustration, anger, fear, despair, and disgust with the inequities which our society has forced upon him.

Therefore we are dealing with a social disease as real as any communicable disease, such as tuberculosis, which spreads, however, via a different mechanism. Actually, communicable diseases are easier to treat than violence. We know the cause, and we have the proper medicines for cure. But what about this blight which is rapidly becoming an epidemic affecting all, whether suburban or inner-city resident? Some type of Federal gun control legislation looms eminently as an immediate stop-gap mechanism to get lethal weapons out of the hands of assailants. Unfortunately, this will not cure the disease. Appropriate measures must be instituted as quickly as possible to eradicate the underlying causes of rage, namely, the socio-economic injustices which breed violence and multiply its effects in so many ways. Well-documented studies have already singled out these causative factors as the major culprits, along parallel lines, in causing the prolonged illness and elevated death rate from high blood pressure among inner-city dwellers. I am heartened, along with my many colleagues from the medical community, that the Congress of the United States has decided to visit our cities and develop therapeutic measures to curtail this devastating, fatal disease.

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STATEMENT BY ROBERT J. LOWE, M.D., DIRECTOR, ADULT EMERGENCY SERVICE AND TRAUMA UNIT, COOK COUNTY HOSPITAL

As a major health resource for a large segment of the inner-city population of Chicago, Cook County Hospital has for many years been called upon to treat large numbers of patients with injuries. As such, a significant portion of the hospital's resources have by necessity been dedicated to the care of the trauma patient. Most notable among these resources is the Nation's first Trauma Unit, established in 1966. The essential features of the Trauma Unit as well as the other resources the hospital has made available for trauma care are detailed in Table I.

Since opening in 1966, over 48,000 patients have received care on the Trauma Unit (see Table II). Certainly there are perhaps only a handful of hospitals in the Nation that have treated a similar volume of injured patients. Table III describes the types of injuries treated on the basis of their mechanism. It is readily apparent that the vast majority of injuries treated at Cook County Hospital are the result of violence and in particular gunshot wounds, stab wounds and assaults. Extrapolation of the figures in Table III to the 1974 admission rate translates into the fact that last year alone, over 3,400 patients were treated for wounds resulting from violence and over 1,000 of these were caused by guns. Placed in perspective of the Viet Nam War, the Chief of Surgery at Cook County

Hospital, Dr. Gerald S. Moss, recently told me that in one year (1968) he saw only slightly over 2,000 combat casualties at the DaNang Naval Hospital.

Table IV details the major demographic characteristics of the patients treated for violence at Cook County Hospital. It is apparent that the vast majority of the patients we treat for violence-related injuries and, in particular, for gunshot injuries are young men between the ages of 15 and 29.

Table V details the impact of violence upon certain selected resources at the hospital. The average injury requires almost 2.5 medical specialists per patient and takes up about 8.5 hospital days. Again, extrapolating this data to 1974, it can be seen that in that year alone, over 29,000 hospital days were utilized in caring for patients with violence-related injuries and over 8,900 of these were for gunshot wounds alone. At the current per diem hospital rate of \$202, these figures translate into a cost to the taxpayers of almost \$6 million dollars for violence and over \$1.8 million dollars for gunshot wounds at one hospital alone.

Certainly such major expenditures can only be justified on the basis of results. Table VI details the results obtained on 1,911 patients treated in a recent 6 month period. The overall survival rate of 97.9% would certainly appear to justify the hospital's commitment of a significant portion of its resources to trauma care.

However, the larger question remains unanswered—namely, is Society justified in allowing the current epidemic of violence to continue unchecked when such an epidemic costs the taxpayers millions of dollars each year and diverts essential medical resources from other more pressing problems such as heart disease, cancer and strokes. I realize that your Subcommittee has its major interest in legislation to control handgun abuse. I also realize that I have not focused upon the handgun in my presentation. I did this because I wished to place gunshot injuries in the larger perspective of the problem of violence in general. This should not be interpreted as an attempt to deemphasize the role of the handgun in the total problem of violence. The fact that over 25% of the admissions to the Trauma Unit are for gunshot wounds attests to the fact that guns are a major factor in the general problem of violence on the streets.

In closing, I would only state that if the role of Government is to do for the people what they are unable to do for themselves, it is clear to me that the people have not been able to stop shooting each other and that the Government ought to step in and help.

TABLE I.—Cook County Hospital trauma care resources

1. A 17-bed unit utilized exclusively by trauma patients.
2. Round-the-clock "in-house" coverage by primary and consultative physicians from all of the major surgical subspecialties.
3. Nurse staffing pattern of an Intensive Care Unit.
4. Core laboratory located on the unit and manned round-the-clock by dedicated laboratory technicians.
5. Full round-the-clock administrative and clerical support.
6. Expedited professional and technical radiologic support for both plain and specialized procedures.
7. Efficient, modern blood bank with large reserves of blood (Nation's first "frozen" blood bank).
8. Round-the-clock "in-house" operating room coverage by both Anesthesiologists and Nurses.

TABLE II.—Yearly admissions to the trauma unit

Year:	Number of admissions
1968	5,180
1967	6,473
1968	6,544
1969	6,867
1970	5,272
1971	4,812
1972	4,570
1973	4,430
1974	4,590



TABLE III.—*Distribution of injuries by mechanism*

<i>Mechanism</i>	<i>Percent of admissions</i>
I. Violence	75.0
Gunshot wounds	23.5
Stab wounds	19.4
Shotgun wounds	1.8
Assaults	21.0
Miscellaneous	9.8
II. Home and recreational	17.5
III. Vehicular	6.8
IV. Industrial	0.7
Total	100.0

TABLE IV.—*DEMOGRAPHIC CHARACTERISTICS, PATIENTS TREATED AT COOK COUNTY HOSPITAL FOR INJURIES RELATED TO VIOLENCE*

[In percent]

<i>Mechanism</i>	<i>Age</i>			<i>Sex</i>		<i>Race</i>	
	15 to 29	30 to 49	Over 49	Male	Female	Black	Other
Gunshot wounds	66.3	29.9	3.8	90.2	9.8	94.0	6.0
Stab wounds	45.3	40.8	13.9	90.6	9.4	82.8	17.2
Shotgun wounds	79.4	17.6	3.0	100.0	0	100.0	0
Assaults	35.4	43.4	21.2	83.6	16.4	74.6	25.4
Miscellaneous	45.5	40.9	13.8	85.8	14.2	69.0	31.0
Mean	54.4	34.5	11.1	90.1	9.9	84.1	15.9

TABLE V.—*IMPACT OF INJURIES RELATED TO VIOLENCE UPON THE MEDICAL RESOURCES OF COOK COUNTY HOSPITAL*

<i>Mechanism</i>	<i>Average number of medical specialists treating each patient</i>	<i>Percent of patients undergoing emergency surgery</i>	<i>Average hospital stay (days)</i>
Gunshot wounds	2.34	30.6	8.3
Stab wounds	2.04	22.9	5.2
Shotgun wounds	2.75	35.3	12.0
Assaults	2.47	22.6	8.5
Miscellaneous	2.30	35.4	8.6
Mean	2.38	29.4	8.5

TABLE VI.—*Results patients treated at Cook County Hospital for injuries related to violence*

<i>Mechanism</i>	<i>Percent survival</i>
I. Violence	98.2
Gunshot wounds	97.1
Stab wounds	98.6
Shotgun wounds	97.0
Assaults	21.0
Miscellaneous	96.0
II. Home and Recreational	95.8
III. Vehicular	97.6
IV. Industrial	100.0
Mean	97.9

STATEMENT BY PETER ROSEN, M.D., DIRECTOR, ADULT EMERGENCY SERVICE AND TRAUMA UNIT, COOK COUNTY HOSPITAL

In caring for the end results of handgun trauma, one quickly becomes aware of the enormous carnage produced by these weapons.



We unquestionably live in a violent society, and eliminating the weapon will not eliminate the violence. But the flaw in this argument is twofold. First, many deaths and serious injuries are caused by the ready access of a gun. It is a common experience in our department to be told of an alcoholic quarrel which ended in a shooting. Had the expression of this particular violence been a knife or a beating, injuries would have been caused but not death. In the past four years, we have lost only one patient who was brought to us alive with a stabbing. Opposed to this are almost 200 gunshot deaths. In addition, we see a Dead On Arrival (DOA) from stabbing about every fourth month, but DOA's from gunshot wounds are an almost weekly experience. Secondly, many injuries would not have taken place if physical contact were necessary. You can point a gun across a room and more than one person has reported that he had no intention of pulling the trigger, but it happened.

Most of the gunshot wounds that we see are in bar or marital altercations. Rarely was their intent to produce the degree of mayhem that the bullet caused.

The other point to consider is precisely the amount of violence that can be inflicted. It is hard to kill an adult with a knife or a club. But unfortunately, even with a very low velocity weapon, it is easy to smash a brain or spinal cord.

Cardiac injuries are also of interest. We have a very good salvage rate of knife wounds of the heart, if they are not DOA. The survival statistics drop precipitously for gunshot wounds. First, the DOA's rise, and secondly, even if we get the heart going again, which is frequently possible, we have irreversible brain death and have lost the contest before even commencing therapy.

Next, let's consider abdominal injuries. 25% of the abdominal stab wounds that we see do not even penetrate the peritoneal cavity. Another 10% do penetrate but produce no internal injury. Finally, even when internal bleeding occurs, it is the rare patient who has profound blood loss, or who cannot survive the injury. With bullets, however, the opposite is true. All gunshot wounds of the abdomen must be explored in the operating room. Virtually all involve multiple organs with major blood loss and disability. The number of deaths even with the most aggressive medical care is very high.

One could spend hours cataloguing the violence and damage caused by guns. I have never talked to a single surgeon who wasn't impressed by the impressive degree of damage.

I would like to conclude with one final statistic. For three years, I lived and practiced surgery in a rural area of Wyoming. Virtually everyone owned a hunting weapon, but few people possessed handguns. The only two deaths I saw in this period of time were suicides. During this same period, we treated 50 stab wounds (barroom brawls) without a death.

I can only conclude that the number of deaths and serious life threatening and debilitating injuries would be considerably lowered could we but achieve the elimination of guns from our society.

Mr. CONYERS. We are very pleased that you could take time out from your schedules to accommodate this committee today.

I would ask Dr. Replogle to introduce the rest of his colleagues and, from that point on, you may begin your testimony.

I understand that Dr. Clyde Phillips will probably lead off the discussion.

Welcome, and you may begin.

**TESTIMONY OF DR. ROBERT L. REPLOGLE, UNIVERSITY OF CHICAGO; DR. CLYDE W. PHILLIPS, PROFESSOR OF SURGERY, NORTHWESTERN UNIVERSITY; DR. ROBERT J. LOWE, DIRECTOR, ADULT EMERGENCY SERVICE AND TRAUMA UNIT, COOK COUNTY HOSPITAL; DR. PETER ROSEN, DIRECTOR, UNIVERSITY OF CHICAGO EMERGENCY PROGRAM; AND DR. HENRY BETTS, DIRECTOR, CHICAGO REHABILITATION INSTITUTE**

Dr. REPLOGLE. Chairman Conyers, distinguished Congressmen and counsel, I would like to introduce my colleagues who are here, perhaps

from a different point of view than is sometimes stressed or expressed since we are the ones who ultimately repair the damage that is done by various types of trauma.

On your far right is Dr. Clyde Phillips, chief of surgical service No. 4 at Northwestern Memorial Hospital and assistant professor of surgery at the Northwestern Medical School. To his right is Dr. Robert J. Lowe, director of the trauma unit, Adult emergency service, Cook County Hospital, and assistant professor at the University of Illinois. In the middle is Dr. Peter Rosen, director of the University of Chicago emergency program and professor of emergency medicine at the University of Chicago. On Dr. Rosen's right is Dr. Henry Betts, director of the Chicago Rehabilitation Institute, located here in the city of Chicago, and as I said, Dr. Phillips will begin our testimony.

Dr. PHILLIPS. Mr. Conyers and distinguished Members of the Congress, the murder of one human being by another, no matter what the circumstance, is a tragedy beyond compare.

The recently released figures published by the Chicago Police Department, detailing "Murder Analysis" for the year 1974 are distressing for the city as a whole and the inner city in particular. As you have already heard, there were 970 murders committed in Chicago last year. If one considers, even casually, the epidemiology of this violent disease, the following figures stand out in stark, bold relief.

In the second police district, or Wentworth, as we Chicagoans know it, the highest incidence of murder in the city occurred. Homicides at a rate of 82.9 persons per 100,000 population were recorded.

The Wentworth district encompasses one of the highest population density tracts on the South Side of Chicago, a typical inner-city community.

The next highest incidence of murder occurred within the boundaries of the 12th police district, or the Monroe Station, which serves another inner-city area on the near West Side of Chicago. Here, 66.3 murders per 100,000 population were committed. This also is a densely populated part of the city with people from many ethnic origins: Latin, black, native American, and white. The majority, or 68.96 percent, of these homicides were committed by assailants who used firearms, in particular, handguns—50.51 percent.

As a native-born Chicagoan and resident of the inner city for most of my life, I have encountered this unfortunate circumstance of man against man, first as a citizen and second as a surgeon, treating many of these victims in inner-city hospitals such as Provident and Cook County where I have served.

These brutal figures are startling to my colleagues and me, as well as all citizens of the Metropolitan Chicago area. One might properly speak of death by violence as a disease, with its highest incidence within the inner city. Further epidemiological study of this disease recognizes immediately that a strong, productive factor of the illness is rage, a rage which arises within the breast of the inner-city dweller as a direct result of frustration, anger, fear, despair, and disgust with the inequities which our society has forced upon him.

Therefore, we are dealing with a social disease as real as any communicable disease, such as tuberculosis, which spreads, however, via a different mechanism.

Actually, communicable diseases are easier to treat than violence. We know the cause, and we have the proper medicines for cure. But what about this blight which is rapidly becoming an epidemic affecting all, whether suburban or inner-city resident?

Some type of Federal gun control legislation looms eminently as an immediate stop-gap mechanism to get lethal weapons out of the hands of assailants. Unfortunately, this will not cure the disease.

Appropriate measures must be instituted as quickly as possible to eradicate the underlying causes of rage, namely, the socioeconomic injustices which breed violence and multiply its effects in so many ways. Well-documented studies have already singled out these causative factors as the major culprits, along parallel lines, in causing the prolonged illness and elevated death rate from high blood pressure among inner-city dwellers.

I am heartened, along with my many colleagues from the medical community, that the Congress of the United States has decided to visit our cities and develop therapeutic measures to curtail this devastating, fatal disease.

MR. CONYERS. Thank you very much, Doctor, for a statement which we will want to question you about as soon as we have heard from all of your colleagues on the panel.

Dr. PHILLIPS. Thank you.

MR. CONYERS. Who cares to make the next statement?

Dr. REPLOGLE. Dr. Lowe will continue the discussion.

Dr. LOWE. As a major health resource for a large segment of the inner-city population of Chicago, Cook County Hospital has for many years been called upon to treat large numbers of patients with injuries. As such, a significant portion of the hospital's resources have by necessity been dedicated to the care of the trauma patient. Most notable among these resources is the Nation's first trauma unit, established in 1966. The essential features of the trauma unit as well as the other resources the hospital has made available for trauma care are detailed in table I.

Since opening in 1966, over 48,000 patients have received care on the trauma unit—table II. Certainly there are perhaps only a handful of hospitals in the Nation that have treated a similar volume of injured patients. Table III describes the types of injuries treated on the basis of their mechanism. It is readily apparent that the vast majority of injuries treated at Cook County Hospital are the result of violence and in particular gunshot wounds, stab wounds, and assaults. Extrapolation of the figures in table III to the 1974 admission rate translates into the fact that last year alone, over 3,400 patients were treated for wounds resulting from violence and over 1,000 of these were caused by guns. Placed in perspective of the Vietnam war, the chief of surgery

at Cook County Hospital, Dr. Gerald S. Moss, recently told me that in 1 year—1968—he saw only slightly over 2,000 combat casualties at the Danang Naval Hospital.

Table IV details the major demographic characteristics of the patients treated for violence at Cook County Hospital. It is apparent that the vast majority of the patients we treat for violence-related injuries and, in particular, for gunshot and shotgun injuries, are young men between the ages of 15 and 29.

Table V details the impact of violence upon certain selected resources at the hospital. The average injury requires almost 2.5 medical specialists per patient and takes up about 8.5 hospital days. Again, extrapolating this data to 1974, it can be seen that in that year alone, over 29,000 hospital days were utilized in caring for patients with violence-related injuries and over 8,900 of these were for gunshot wounds alone. At the current per diem hospital rate of \$202, these figures translate into a cost to the taxpayers of almost \$6 million for violence and over \$1.8 million for gunshot wounds at one hospital alone.

Certainly such major expenditures can only be justified on the basis of results. Table VI details the results obtained on 1,911 patients treated in a recent 6-month period. The overall survival rate of 97.9 percent would certainly appear to justify the hospital's commitment of a significant portion of its resources to trauma care.

However, the larger question remains unanswered—namely, is society justified in allowing the current epidemic of violence to continue unchecked when such an epidemic costs the taxpayers millions of dollars each year and diverts essential medical resources from other more pressing problems such as heart disease, cancer, and strokes? I realize that your subcommittee has its major interest in legislation to control handgun abuse. I also realize that I have not focused upon the handgun in my presentation. I did this because I wished to place gunshot injuries in the larger perspective of the problem of violence in general. This should not be interpreted as an attempt to deemphasize the role of the handgun in the total problem of violence. The fact that over 25 percent of the admissions to the trauma unit are for gunshot wounds attests to the fact that guns are major factors in the general problem of violence on the streets.

Now, I would only state that if the role of Government is to do for the people what they are unable to do for themselves, it is clear to me that the people have not been able to stop shooting each other and that the Government ought to step in and help.

[The tables referred to follow:]

TABLE I.—Cook County Hospital Trauma Care Resources

1. A 17 bed unit utilized exclusively by trauma patients
2. Round-the-clock "in-house" coverage by primary and consultative physicians from all of the major surgical subspecialties
3. Nurse staffing pattern of an Intensive Care Unit
4. Core laboratory located on the unit and manned round-the-clock by dedicated laboratory technicians
5. Full round-the-clock administrative and clerical support
6. Expedited professional and technical radiologic support for both plain and specialized procedures

7. Efficient, modern blood bank with large reserves of blood (Nation's first "frozen" blood bank)
8. Round-the-clock "in-house" operating room coverage by both anesthesiologists and nurses

TABLE II.—Yearly Admissions to the Trauma Unit

Year	Number of Admissions	Year	Number of admissions
1966	5,180	1971	4,812
1967	6,473	1972	4,570
1968	6,544	1973	4,430
1969	6,867	1974	4,390
1970	5,272		

TABLE III.—Distribution of Injuries by Mechanism

Mechanism	Percent of admissions
I. Violence	75.0
Gunshot wounds	23.5
Stab wounds	19.4
Shotgun wounds	1.8
Assaults	21.0
Miscellaneous	9.3
II. Home and recreational	17.5
III. Vehicular	6.8
IV. Industrial	.7
Total	100.0

TABLE IV.—Demographic Characteristics, Patients Treated at Cook County Hospital for Injuries Related to Violence

Mechanism	Age (In percent)			Sex		Race	
	15 to 29	30 to 49	Over 49	Male	Female	Black	Other
Gunshot wounds	66.3	29.9	3.8	90.2	9.8	94.0	6.0
Stab wounds	45.3	40.8	13.9	90.6	9.4	82.8	17.2
Shotgun wounds	79.4	17.6	3.0	100.0	0	100.0	0
Assaults	35.4	43.4	21.2	83.6	16.4	74.6	25.4
Miscellaneous	45.5	40.9	13.8	85.8	14.2	69.0	31.0
Mean	54.4	34.5	11.1	90.1	9.9	84.1	15.9

TABLE V.—Impact of Injuries Related to Violence Upon the Medical Resources Cook County Hospital

Mechanism	Average number of medical specialists treating each patient	Percent of patients undergoing emergency surgery	Average hospital stay (days)
Gunshot wounds	2.34	30.6	8.3
Stab wounds	2.04	22.9	5.2
Shotgun wounds	2.75	35.3	12.0
Assaults	2.47	22.6	8.5
Miscellaneous	2.30	35.4	8.6
Mean	2.38	29.4	8.5

**TABLE VI.—Results, Patients Treated at Cook County Hospital for Injuries Related to Violence**

<i>Mechanism</i>	<i>Percent survival</i>
I. Violence -----	98.2
Gunshot wounds -----	97.1
Stab wounds -----	98.6
Shotgun wounds -----	97.0
Assaults -----	99.2
Miscellaneous -----	96.0
II. Home and recreational -----	95.8
III. Vehicular -----	97.6
IV. Industrial -----	100.0
Mean -----	97.9

Dr. LOWE. Now, as I have noted, we have our own laboratory located in the unit and it is manned around the clock by laboratory technicians and has full administrative and clerical support. [See Table I, supra.]

In addition to the trauma unit the hospital has made available expedited professional and technical radiological support for both plain and specialized procedures.

We have an efficient, modern blood bank with large reserves of blood, something which is needed in any hospital doing large amounts of trauma work.

Recently we became the Nation's first total frozen blood bank.

[Dr. Lowe narrates a slide presentation.]

Dr. LOWE. Could I have the first slide, please? [Table II, supra.]

This slide details the yearly admission rate to the trauma unit since it opened in 1966 and as you can see, since 1966, over 48,000 patients have received care on the trauma unit.

Certainly there are, perhaps, only a handful of hospitals in the Nation that have treated a similar volume of injured patients and as such I believe their experience enables the hospitals to comment with authority upon problems relating to trauma patients.

I would like to have the next slide, please.

In the next slide we detail the mechanism of injury that brings patients to the trauma unit. [Table III, supra.]

As you can see, 75 percent of the patients admitted to the trauma unit are admitted for injuries related to violence.

If we would translate this into or if we would extrapolate these figures into the total trauma unit experience of 48,000 patients, we would see a little over 36,000 patients in a 9-year period have been treated for injuries caused by violence and a little over 9,000 gunshots alone have been treated in 9 years.

If we look just at 1974 alone we see that we had 3,400 patients treated for violence and over 1,000 of them sustained injuries caused by guns.

If we would place these figures in the perspective of the recent Vietnam war, the chief of surgery at Cook County Hospital, Dr. Gerald Moss, recently told me that in his year in Vietnam at the naval hospital at Danang he saw only 2,000 combat casualties in his hospital.

Could I have the next slide, please?

The next slide details the major demographic characteristics of the patients treated for violence at Cook County Hospital. [Table IV, supra.]

It is apparent that the vast majority of patients treated at our hospital were young males between the ages of 15 and 29; in essence, patients in the prime of their life.

Dr. Phillips has commented eloquently on the sociological aspects of the causes of violence and I don't think that I have anything more to add in that regard.

Could I have the next slide, please?

In the next slide we detail the impact of violence upon certain selected resources at the hospital. [Table V, supra.]

Each actual consultation requires two and a half medical specialists per patient and takes up about 8.5 hospital days and again, in extrapolation of this data in 1974 we can see in that year alone over 29,000 hospital days were being used for patients and over 900 of these days were for gunshot wounds alone.

At the current per diem hospital rate of \$202 per day these figures translate into a cost to the taxpayers of almost \$6 million for these violent injuries and a little over \$1.8 million for gunshot wounds alone at one hospital.

May I have the next slide, please? [Table VI, supra.]

Certainly such major expenditures can only be justified on the basis of results.

In this slide we detail the results obtained in a recent series of 1,911 patients treated in a 6-month period.

You will note that the overall survival rate was 97.9 percent and this would certainly appear to justify the hospital's commitment of a significant portion of its finances to the trauma patients.

However, the larger question remains unanswered.

Is society to allow this to continue unchecked with such a high cost to the taxpayers each year and divert its resources from other more pressing problems such as heart disease, cancer, and strokes.

I realize that your subcommittee has now focused upon the handgun and in my presentation I alluded to that because I wish to place gunshot injuries in the larger perspective of the problem of violence in general.

Now this should not be interpreted to deemphasize the role of the handgun in this problem because the fact remains that almost 25 percent of the admissions to the trauma unit are for gunshot wounds.

In closing I would only state that the role of Government is to do for the people what they are unable to do for themselves.

It is clear to me that the people have not been able to stop shooting each other and that the Government ought to step in and help.

Mr. CONYERS. Thank you very much, Dr. Lowe.

Dr. Rosen is next.

Dr. ROSEN. In caring for the end results of handgun trauma, one quickly becomes aware of the enormous carnage produced by these weapons.

We unquestionably live in a violent society, and eliminating the weapon will not eliminate the violence. But the flaw in this argument is twofold. First, many deaths and serious injuries are caused by the ready access of a gun. It is a common experience in our department to be told of an alcoholic quarrel which ended in a shooting. Had the expression of this particular violence been a knifing or a beating,

injuries would have been caused but not death. In the past 4 years, we have lost only one patient who was brought to us alive with a stabbing. Opposed to this are almost 200 gunshot deaths. In addition, we see a "dead on arrival"—DOA—from stabbing about every fourth month, but DOA's from gunshot wounds are an almost weekly experience. Second, many injuries would not have taken place if physical contact were necessary. You can point a gun across a room and more than one person has reported that he had no intention of pulling the trigger, but it happened.

Most of the gunshot wounds that we see are in bar or marital altercations. Rarely was their intent to produce the degree of mayhem that the bullet caused.

The other point to consider is precisely the amount of violence that can be inflicted. It is hard to kill an adult with a knife or a club. But unfortunately, even with a very low velocity weapon, it is easy to smash a brain or spinal cord.

Cardiac injuries are also of interest. We have a very good salvage rate of knife wounds of the heart, if they are not DOA. The survival statistics, however, drop precipitously for gunshot wounds. First, the DOA's rise, and second, even if we get the heart going again, which is frequently possible, we have irreversible brain death and have lost the contest before even commencing therapy.

Next, let's consider abdominal injuries. Twenty-five percent of the abdominal stab wounds that we see do not even penetrate the peritoneal cavity. Another 10 percent do penetrate but produce no internal injury. Finally, even when internal bleeding occurs, it is the rare patient who has profound blood loss, or who cannot survive the injury. With bullets, however, the opposite is true. All gunshot wounds of the abdomen must be explored in the operating room. Virtually all involve multiple organs with major blood loss and disability. The number of deaths even with the most aggressive medical care is very high.

One could spend hours cataloging the violence and damage caused by guns. I have never talked to a single surgeon who wasn't impressed by the impressive degree of damage.

I would like to include one final statistic. For 3 years, I lived and practiced surgery in a rural area of Wyoming. Virtually everyone owned a hunting weapon, but few people possessed handguns. The only two deaths I saw in this period of time were suicides. During this same period, we treated 50 stab wounds—barroom brawls—without a death.

I can only conclude that the number of deaths and serious life threatening and debilitating injuries would be considerably lowered could we but achieve the elimination of guns from our society.

Now my two colleagues have painted a picture of the situation facing us and have given their assessment.

Some of the interesting statistics that we have acquired is that not only is this a disease entity but it affects society with a high recurrence rate.

Approximately 33 percent of our trauma victims have had another major trauma episode in the year prior to their visit to our department.

In painting the picture of this disease, one is forced to make the analogy or the analogous point that this is just like the bubonic plague.

We do not, at this point in time, have an antibiotic that will cure the disease entity.



I do think, if you look upon the gun as the vector that causes this particular plague, we can make some impact upon the carnage that violence produces in our society.

Eliminating the weapon will definitely not eliminate the violence from our society but contrary to the catchy phrase that "Guns don't kill people, people kill people," I would like to make a plea that, in fact, guns do kill people and they kill them in ways in which they would not be killed if guns were not available.

First of all, it is a common experience in our department to be told of a simple quarrel which ended in shooting because a gun was immediately available. This has enabled many people to kill people that they had no intention of killing.

Now had the expression of that particular violence been a knifing or a beating, injuries would have been caused but probably not death or some of the disastrous injuries that we see from gunshot wounds.

Some of the statistics I would like to cite to support this viewpoint are as follows:

In the past 4 years, of all the patients who were brought to us alive with a knife injury, we have only had one death in the emergency department.

Now opposed to this, we have had almost 200 deaths from gunshot wounds. These are patients who literally do not survive to reach the kind of trauma unit that has been described to you.

In addition, we see from "dead on arrivals" about one patient who has been stabbed to death every fourth month but from gunshot wounds this is almost a weekly experience.

I would also like to cite the fact that many of our patients report to us that they would not have been injured if physical contact had been necessary to produce their injuries.

For example, you can point a gun across the room and you can point a knife across the room but it is only the gun that is going to produce the significant degree of damage.

Now most of the gunshot wounds that we see are in fact not related to criminal activities but are the product of altercations in bars or in marital disputes and rarely was the intent of the person who fired the weapon to produce the degree of mayhem that the bullet in fact causes.

Another point to consider is the amount of violence that can be inflicted with a weapon. It is actually very hard to kill an adult with a knife or a club but unfortunately, even with a low velocity bullet, it is very easy to smash a brain or a spinal cord.

Now cardiac injuries are also of interest. We have a very good salvage rate of knife wounds of the heart. If they are not dead on arrival in our emergency department, almost 85 percent of these victims are salvaged but the statistics drop precipitously for the gunshot wounds of the heart.

First of all we have the high number of dead on arrivals.

Second, even if we get the stopped heart going again, which we frequently can do, we frequently have irreversible brain death and have lost the case before even commencing therapy.

Abdominal injuries are also common. Twenty-five percent of the abdominal wounds that we see in our emergency department do not penetrate the peritoneal cavity and don't even require a hospital admission.

Another 10 percent that do penetrate, as discovered at surgery, have produced no internal injury.

Finally, even when there is internal injury, it is a rare patient who has a profound blood loss or who can't survive the injury but with bullets, again the opposite is true.

All gunshot wounds of the abdomen must be explored. In other words, there are none of these patients who can be safely discharged from the emergency department.

Virtually all involve internal organs. It is a rare gunshot wound that penetrates the peritoneal cavity that doesn't produce a significant degree of internal damage and virtually all involve multiple organs, major blood loss, major disability and requiring frequently, multiple surgery, not just the initial life-saving one and the number of deaths, even with the most aggressive medical care, is very high indeed.

I could spend many hours cataloging the violence and damage caused by guns and I have never talked to a single surgeon who has to care for these patients, who isn't impressed by the overwhelming damage that a single bullet can cause.

Now in relationship to handguns I would just like to say that I used to practice in a rural part of Wyoming where virtually everybody owned a hunting weapon, a shotgun or a rifle but there were very few people who owned handguns.

In the period of time I was in this practice out there, about 3 years, the only gunshot deaths I saw were both suicides with a high-powered rifle.

During the same period we treated 50 stabbings from barroom brawls and so forth and did not have a single death.

I can only conclude that the gun is indeed a vector in our disease of violence and that the number of deaths and serious life-threatening and disabling injuries would be considerably lowered could we but achieve the elimination of guns from our society.

I had initially intended to show several slides, one of which was of a young man who walked into our emergency department with a gunshot wound of his face. He died approximately a minute after he arrived from a combination of blood loss and an inability to breathe. He literally drowned in his own blood. Now this was a patient who was in the prime of his life. He had been injured in a barroom brawl that took place over a bet on a baseball game.

It seems they were drinking at the time. The argument heated and somebody solved the argument by firing a weapon.

The other case that I was going to portray was a young lady who was stabbed six times; once through the heart, once through the spleen, once through the kidney, once through the bladder and once through an extremity. She had required two major operations but she survived all of these and in fact, left the hospital in 5 days and has done quite well ever since.

I can only conclude that the handgun is indeed a very dangerous component in our society and it should be eliminated.

Thank you.

Mr. CONYERS. I appreciate very much your testimony Dr. Rosen.

We will next hear from Dr. Henry Betts, professor and chairman of the Department of Rehabilitation Medicine at Northwestern Uni-

versity and executive vice president and medical director of the Rehabilitation Institute of Chicago.

We welcome you for your testimony, Doctor.

Dr. BERTS. Thank you, Mr. Chairman and members of the panel. I certainly agree with my distinguished colleagues who feel that the matter of use of guns is taking on epidemic proportions and that the casual accessibility of these weapons is a major and severe crippling factor in our society.

My vantage point is somewhat different than theirs in that they see probably thousands of patients every year in general hospitals and I am at a rehabilitation hospital.

Now at that hospital we see a great many disabled people, their disability having resulted from the use of handguns.

Now I can assure you that the effects that I see are absolutely devastating. They involve head trauma which may paralyze a patient on one side of the body or one extremity or that may involve trauma and severe injury in severance of the spinal cord which may lead somebody to be very frequently paralyzed from the neck or the waist down or from the level at where the trauma occurred.

Now if you have any questions of whether that is a severe disability with which to live, I think that probably you might solicit testimony from people who have to live without the use of their lower extremities or upper extremities and with no sensation and with no bowel control and no bladder control and no reasonable sex ability.

Now this occurs very frequently as a result of the use of handguns.

I might point out for you, for instance, that we have a spinal cord injury center. It is designated by the State and the region as a center for treating spinal cord injury in this area.

So that if someone has an injury to the spine, they are brought first to our acute hospital unit and then they move on into rehabilitation.

I have some figures as a result of that which, for instance, indicate that 34 percent—and this is in 1 year—that 34 percent of new spinal cord injuries were due to gun accidents to gun incidents.

Now this compares with 36 percent new spinal cord injuries due to automobile accidents.

So therefore, in our experience in that year, gun accidents resulting in severe disability occurred at about the same rate as auto accident disability.

Now the rate of admission for gun accidents, gun trauma has increased about tenfold over the past year.

I also might point out that in gunshot spinal cord injuries, 28 percent occurred in people younger than the age of 18.

So I view this, although not in the tremendous numbers that my colleagues do, but as an extremely devastating sort of an occurrence.

I have, for instance, a patient now who was shot in the neck as a result of a very casual robbery. He had been married about 9 months. His wife at the time of this accident was pregnant and she delivered since he became paralyzed from the neck down and now they face not only the fact that he is paralyzed but also the fact that it is her wish to put the child up for adoption and of course, he faces the unfortunate occurrence that he cannot really even hold his own child.

I have another patient who again was the result of a very casual shooting, that is the victim of a very casual shooting and he simply

happened to be walking along a place where a gun was shot. No one even meant to shoot him. That was several years ago and he was in the hospital for months. He is paralyzed from the neck down and the cost of the initial hospitalization alone was \$40,000 and of subsequent ones, it comes up to about \$80,000.

Now he spent 2 years in Oak Forest, our chronic diseases hospital and at their per diem rate I am sure that that expense was considerable as well.

If you think that these are a matter of only criminal activities, I would certainly agree with my colleagues that that is not the case in all instances.

Certainly criminals use guns and there are undoubtedly good—and there are, we know, good people who use and carry guns but the casual use of them is, I think, the thing that concerns me very strongly also.

As in the instance of a 16-year-old girl patient that I had whose father was a gun collector and he had—I don't know, dozens of guns, good handguns.

Well she accidentally shot herself and was left paralyzed from the neck down. He subsequently shot himself in a suicide attempt, a successful suicide attempt and her 14-year-old brother then used another one of these collectors guns to shoot and kill himself.

Now I have innumerable cases of spinal cord injuries that have involved disputes, marital disputes or love disputes where the use of the gun only occurred because it happened to be there at the moment.

I think that the person who was left paralyzed or traumatized would have had a much better chance in fending off fists or knives or karate or almost any other weapon that I can think of than by being the target of the gun which happened to be casually available.

This matter of casual occurrence is certainly not rare and certainly I feel that the criminals who use guns should be approached on the matter. Perhaps they should be quarantined as we quarantine people in epidemics.

Certainly we should approach the problems of society in the inner city and elsewhere to eliminate the rage and the sociology but at the same time, we have approached diseases that have involved epidemics before in sociology and we have quarantined people with smallpox, for instance, and we have quarantined people, in my early childhood, who even had scarlet fever but at the same time we also have to go about eliminating the germ that was involved in those diseases and there are probably more germs in this epidemic than just the presence of the handguns.

Now it seems to me that that is one of them and I advocate, very strongly, the elimination of these weapons at least as casually as they are carried at this time.

Mr. CONYERS. Thank you very much, Dr. Betts. Your statement speaks for itself.

Finally, we have or we will hear from Dr. Robert L. Replogle, chief of cardiac surgery at the University of Chicago.

Dr. REPROGLE. Mr. Chairman and Congressmen, I had hated to try to summarize my colleagues' statements and I think there is really no need to do that.

I might make two points in order to establish some credibility with the committee.

Let me tell you that I am not a do-gooder although I like to think that I do something worthwhile occasionally.

My father was a 25-year member of the National Rifle Association and I grew up in a country town in Iowa where hunting pheasant and quail was an important part of my boyhood.

I received a 410 single-shot shotgun on my 14th birthday. Now let me amplify, having made that statement, the cost to society of handgun injuries which we are here to talk about.

As I noted in my prepared statement, through the efforts of Ms. Derry Henderson, we have reviewed a random selection of 100 patients admitted to the University of Chicago hospitals and clinics following handgun injuries to ascertain the type of injury, the length of hospitalization, and the ages of the patients.

From those 100 patients there were 3 deaths and the cost of hospitalization was \$526,000.

We see 350 gunshot victims a year so this works out to the cost of \$1.8 million a year.

The 65 percent of these individuals have no hospitalization insurance nor are they covered by any form of cost return to the institution whatsoever so that means that the University of Chicago hospitals must somehow regain that \$1.8 million or \$1.2 million from the other individuals hospitalized for other services.

Now, I think this points out perhaps the reason for the hospital's costs are so unbelievably high at the present time.

We have no other way of getting a return on our money.

The second point I might make is that we had a number of slides to show you which were considered to be perhaps too gruesome for your television audiences and I might say—

Mr. CONYERS. Maybe even to some of the subcommittee members.

Dr. REPLOGLE. Marshall McLuhan has pointed out that our senses are sometimes numbed by overexposure and I am a great fan of the 11 p.m. western TV flick and I think perhaps we are occasionally overcome by the casualness of the shootout at O.K. Corral. It seems romantic and the bad guys wind up in the Boot Hill Cemetery and the good guys go to a saloon and have a drink and it is a very happy sort of event.

Let me tell you that handguns are not romantic events.

When we explore the abdomen of someone who has been shot we find that it is a belly full of blood, stool, bile, gastric juices, and frequently we are unable to find all of the holes in the intestines and the great vessels and it is a 12- or 14-hour proposition which is really a gruesome situation.

A gunshot which causes injuries to the head is also terribly gruesome and there are brains and hair and bone and blood all over the place.

So that I think, if the public was aware of this kind of injury, they would be much less inclined to be romantic about it and much more inclined to support some kind of controls for this type of damage.

Thank you very much.

[The prepared statement of Dr. Replogle follows:]

STATEMENT OF ROBERT L. REPROGLE, PROFESSOR, DEPARTMENT OF SURGERY,  
UNIVERSITY OF CHICAGO

Mr. Chairman, members of the subcommittee, the case of handgun control can be made from many aspects, humanitarian, sociological and economic. As a physician directly involved in the care of patients who are victims of gunshots, I can speak with considerable experience on the humanitarian aspects of the issue. Perhaps the most pathetic examples of the need for controlling weapons are the small children who are damaged or destroyed intentionally or accidentally. The pathos that arises in each of our breasts as we watch the plight of the Vietnamese orphans could be aroused in the emergency rooms of our major city hospitals over and over again, year after year. The youngest victim in my experience was a 3-month-old baby who was shot by his 5-year-old brother while they were playing with their father's handgun. It is inconceivable to me that at a time when one of the major disadvantages to city living is violent crime that we cannot regulate the availability of weapons principally responsible for disabling injuries and death. While the humanitarian reasons for regulating handguns are uppermost, there are economic reasons as well.

Through the efforts of Ms. Derry Henderson, we have reviewed a random selection of 100 patients admitted to the University of Chicago Hospitals and Clinics following handgun injuries to ascertain the type of injury, the length of hospitalization and the ages of the patients. From the 100 patients there were 3 deaths. The average age was 31 years and the range was from 7 years of age to 80 years. 10% of the patients were 16 years or younger. The average period of hospitalization was 13 days, the total being 1,316 hospital days for the 100 patients. The average daily cost for hospitalization, including all the laboratory fees, drugs, operating room charges, professional fees and so on could be conservatively estimated at \$400 a day. This produces a cost to society of \$526,000.00 for these 100 patients and since there are approximately 350 gunshot victims seen at Billings Hospital each year, the total cost of treatment of gunshot victims at this one hospital in the city of Chicago is \$1,842,000.00. This does not of course include any estimate of the direct cost for loss of property, long-term rehabilitation or time loss from employment. Projecting this cost on a nation-wide basis would produce numbers which are truly mind boggling.

This expense viewed in light of the problems faced by hospitals and physicians is amplified by what is currently called a crisis in medical care. Benefits for Medicare are being reduced because of the cost. Bureaucratic paperwork, beyond my comprehension, is being introduced by the government to regulate and reduce (the proponents believe) the medical cost of treating patients. The expenditures for research into the cause and treatment of cancer and heart disease have been cut because of insufficient funds. At the same time, we are permitting the luxury of the indiscriminate use of handguns, the defense of which ultimately seems to be derived from the Second Amendment to the Constitution.

I would favor a federal law banning the manufacture or sale of handguns. The only legitimate use of a handgun that I can understand is for target shooting, and it seems to be that the benefits to society of eliminating handguns far exceeds the pleasure derived from target shooting by those legitimately participating in that sport.

Thank you very much for the opportunity of making this statement.

Mr. CONYERS. Well, I am grateful to all of you gentlemen. I want to just throw out some considerations here and have you respond to them.

First of all, let me say that I appreciate the fact that you have not only covered the medical considerations of our subject matter but that you, of course, have chosen to go beyond them.

I think that is very appropriate to create more fully the proper setting that is going to be necessary for a great number of Americans to understand what we are about.

Our staff has put together a number of very excellent questions that I am going to send to you and ask that you merely, at your convenience, tape or dictate a response to those questions which appeal to you more

specifically so that we might further include them in the record and compensate for the shortness of time that we have here this morning.

The first thing that I would like you to be thinking about is: How can we project the national economic cost that you have suggested here at one hospital?

We need some assistance in developing this thing on a much larger basis than one hard-working hospital in Chicago. I would be happy to receive your suggestions about that.

Second, I was very appreciative of Dr. Phillips' connection with the larger question—and all of you have handled it—that the gun is not going to eliminate violence in our society and the sooner that we candidly admit that, I think the more intelligently we will be able to proceed with a dispassionate discussion of the realities of the subject.

Now, by that I mean that we have connected guns to the ever-growing violence, which frequently stems from gradually developed rage and hostility of a social nature, and they have also been connected to economic problems.

I think no one here can deny that when we have been talking about "inner city," we are merely making a euphemistic reference to black people who are living in the traditional worst sections of the city, under the most severe economic handicaps and as things develop are exactly those who would develop the kind of rage that leads to the violence, that in turn leads to the incidence of homicide.

We have been most careful here in Chicago to avoid pinpointing the fact that most of the gun deaths are by blacks and I might go further and say mostly committed by blacks against blacks which has, I think, a tremendous social and psychological implication.

Then, finally, as food for present and future thought, I would appreciate your thoughtful suggestions on how we can best reconcile, to the extent that it is reconcilable, the honestly held differences of view about this subject.

I continually find myself between a rock and a hard place because I am dealing with very fine citizens, many of whom I have met here in Chicago at this studio during these hearings, who firmly see the work that this committee has attempted to undertake as a personal invasion of their rights and that they have been led to believe that their prerogatives are being personally challenged.

Now, I think that it is crucial that we begin to understand the sociological dimensions in which this struggle is taking place.

Because of your profound backgrounds, not only professionally but as thoughtful citizens of our society, I respectfully put forward those considerations and ask that you comment, with this subcommittee, on them now and in the future.

Would anyone care to make any observation before I move on?

Dr. REFLOGLE. I would like Mr. Conyers to suggest that we are talking about handguns and I can recall very well a column by Mike Royko recently where he advocated the open use of landmines and antitank weapons, mortars and so on and so forth in an effort to protect his house and I think the handgun is no more indefensible perhaps as permitting everyone to have flamethrowers and landmines and antitank guns.

So we are not talking about long guns. We are not talking about the sportsman's use of the rifle for his hunting or shotguns for his hunting.



We are talking about handguns and I think that is important to keep in mind.

However the use of guns to defend one's premises, I think one can make a more able case for the use of a carbine or shotgun, if worse comes to worse, then he can with a .38 caliber pistol.

Mr. CONYERS. One of the matters that we are going to have to deal with in this committee, and I don't intend to evade, is the problem of the inner-city resident who has the best case on earth for challenging the very inadequate police protection which is provided here and in most of the cities in this country, of being blithely told that it would make a great deal of sense for him to surrender his weapon under those circumstances.

It seems that, somehow, we are going to have to examine the whole character of public protection that is afforded people so that we can deal with this very strongly held emotional feeling, knowing full well that the statistics go the other way; that the person most likely to be endangered is the person who has a gun.

That the person who carries a gun and has a gun drawn on him is almost committing sure suicide attempting to get his gun.

Yet we hang on to these feelings and I don't think we should dismiss out of hand the point of view of the person who subjectively believes that it is comforting to have a gun, even though the statistics go the other way.

This is part of the very tough problem that we are confronted with.

Dr. ROSEN. Mr. Chairman, I agree with you that the emotions have swayed all reason in trying to debate this.

I think the people respond to an effort to control their right to possess weapons as they would to a threat to castrate them.

I think that this is particularly true of the city dweller who feels that he is less than a man if he doesn't possess a weapon.

We disarm roughly 40 percent of the patients who come to us for treatment in our emergency departments, and it is not that they intend to use the weapons against us, but they just wouldn't dream of going out on the streets without weapons and we have quite an arsenal collected now in terms of what people consider normal armaments to walk around the city with.

I think that the people who say that the gun isn't the problem, that the person is the problem, overlook the real danger of the weapon on a casual basis.

Dr. Replogle is a pediatric surgeon, primarily, and he can recount to you one horror story after another of young children who have found their parents' defensive weapon and shoot another sibling or shoot themselves in just picking up the gun to get at one of their comic books, as was the most recent case we had. He wasn't even playing with the gun. He was just moving the comic book, and he ended up shooting himself in the abdomen.

Now, I think that the infringement of rights is considerable and whether or not you take the gun away, I think we have all learned to live with out society, with what we consider infringements on our rights for our own better benefit and there comes a point at which society has to define what is good for society.

Now, in terms of public health this has got to be a critical issue.



Mr. ASHBROOK. Mr. Chairman, on that point, I would like to ask Dr. Rosen a question. I have been listening with interest to your testimony and agreeing with your concern.

I think legislators, just as doctors, have to accept the difference between theory and phenomenon. There are a lot of things in theory you might prescribe but phenomenon is something else.

I think you are talking in exactly the same areas as in advocating that people not smoke and I suppose my point of view can be placed in perspective by saying that I am a nonsmoker who can't understand smokers and in the same way I understand the gun owners and the antigun owners can't understand me.

Doctors, the Government, and everyone with any public relations ability has tried to sell the idea of not smoking and people are still going to smoke.

Do you visualize this area precisely the same way? Frankly, I do, and I am wondering about your opinion.

You can prescribe it, advocate it, but in diagnosing a problem, and in making a prescription, it is just a vain act, because people are not going to do it and you know it. Now, you are just grinding your wheels.

What do you think of that particular point?

Dr. ROSEN. It is a very good point. It is hard to legislate good health, but there is a major difference in trying to legislate a drug, which is basically what a cigarette is, what tobacco is, what heroin is, and legislating against something which is a psychic comfort.

I think that people do not derive any immediate physical need for a weapon the way they do for having their next shot of heroin or their next slug of alcohol, and I think that it is a more enforceable event.

I don't think that you can solve the problem by simply writing a law that says: "You will not possess a handgun." I think you have to do something about getting ammunition for the handgun.

I think you have to do something about enforcement of that law.

However, I think that it is possible to enforce that because I think that basically the attitudes toward the gun are correctable attitudes in terms of an educational process and it is a different matter when you are dealing with a drug dependency, which basically, I think, is what cigarette smoking is.

Mr. ASHBROOK. Let me respectfully disagree because I think you are talking about the same human perception of their own point of view, whether you are talking about the same human perception of their own point of view, whether you are talking about alcohol, tobacco, or the gun.

Now, I realize you would not put the gun in that same category, but I honestly feel that you would see the same general feeling and it isn't necessarily whether a person is right or not. In our country you can have an opinion; they can smoke, drink, or have a gun, and I think legislation that runs counter to those three is just up against it.

Dr. REFLOGLE. Could I speak to that?

I think there is an important difference and that is, if you smoke, it is injury to yourself.

Now, I smoke and I know—I am a chest surgeon, so I know all about lung cancer, and I still smoke and that is my own problem.

Now, if you own a gun, it becomes, then, important to other people of society. It becomes an agent which can be used against your fellow man.

I think it is an analogy that is much more like the contagious problems with small pox, which we did legislate against and people with positive cultures are not permitted to walk the streets.

They are hazardous to other people in the society and so they are isolated, and I think there is a difference.

Mr. ASHBROOK. Except in one area you are saying it is the cost and that is another matter.

I am saying that it is the cost to the people that smoke with respect to our hospitals and in our care facilities, so to that extent I am paying the cost for you.

Dr. REPLOGLÉ. It is true, that you are paying the cost, paying for the cost in research in cancer, also, I agree with that point.

Mr. McCLORY. Would the gentleman yield to me on this general theoretical subject?

Mr. ASHBROOK. Yes.

Mr. CONYERS. Proceed, Mr. McClory.

Mr. McCLORY. I would rather suspect that one of the most difficult problems we have in dealing with this subject of gun control, and especially in reducing the number of guns, handguns, is a psychological problem, a psychosomatic problem, because I think you can demonstrate statistically that the handgun in the home is probably not a deterrent to the commission of crime, or it is not a protection to the gunowner.

On the other hand, psychologically, you will never convince the homeowner, the housewife or the shopkeeper that that gun is not a deterrent to the attack nor that the gun is not a protection to his life and property.

I think you have a very difficult medical or psychological problem here; perhaps much more so than you have with regard to the cigarette addicts.

Dr. BETTS. I think Dr. Replogle touched on another psychological thing and that is society's attitude toward shootings.

Now, I am sure all of you have seen television and movies and you see a lot of people shot and you don't see much blood and you don't see many of the events that he referred to when he opens an abdomen.

The only movie that I can remember seeing that made it look actually repulsive was Bonnie and Clyde, and that made it look absolutely harrowing.

That is the only movie I have ever seen that showed any particular overwhelming gore that would make you think that you would never want to see a gun.

Imagine, for instance, that we treat them so casually that every little child grows up with a gun in his hand.

Now, I mean you can say that somehow you are relating that fact that you want your little boy or girl to grow up to be involved in target practice.

The fact is that handguns are associated with shooting people and killing them or maiming them.

I mean psychologically you get involved with that, and the whole thing is highly bizarre, that you would even think of raising children with a gun in their little hand.

Mr. McCLOXY. We may be talking about a long-range educational problem, rather than a legislative problem.

Dr. BERRS. There is certainly that involved also, and certainly as far as legislation and following it through is concerned; for instance, it might be the greatest thing in the world, if all handguns were eliminated, confiscate them, all except in the hands of the police, perhaps.

However, I mean, I can see that that represents—well, I don't want you to think that I view that lightly, but how in the world you would carry that out I don't know.

Now, not only that, if I lived in the middle of the inner city, where—for instance, if I lived in an apartment building where there was a lot of violence and rage and so on, I guess I wouldn't like to be the only one in the building without a gun. I don't think I would like that at all. [Laughter.]

However, I must say in principle that I would say that there should not be any. I just can't see any other way and I think anyone who ever saw any of the things that we see, would be forced to agree with that.

Mr. CONYERS. Well, of course, what you are saying to me is two things that come out of this discussion.

First, is it true that our tackling this problem of subjective emotional feeling versus reality is as hopeless as it initially seems?

After all, we have just begun the undertaking of this discussion at a national level with anything approaching honesty and factuality.

So I would urge all who are listening, to hold out some degree, some small degree of hope that the forces of truth and right and correctness will finally begin to penetrate into the consciousness of those who may not initially and automatically come to this view.

I must confess that my own personal views on this subject have been very substantially altered.

I can remember arguing with people, especially women who were living by themselves in apartments in inner-city surroundings, that they must, under all circumstances, keep a weapon on their premises.

I have seen enough now in terms of what happens when someone even breaks in where there is a weapon, the statistical changes of a person getting to a weapon are very much less than they may suspect and especially if the intruder is armed, they present a confrontation that could result in a homicidal situation that would have otherwise perhaps been a burglary.

So it seems to me that this is a very important thing to keep in mind, and that we are really at the threshold of defining what these things are and that I have reason to hope, as our discussions are extended, that as other segments of the population like yourselves here presenting a completely different perspective than we would normally get, others will begin to consider and reconsider their views.

Now, it wouldn't happen as a result of a half-dozen Congressmen flying into Chicago and flying out again, but certainly perhaps when they start a discussion, that you gentlemen, many other people, members of the National Rifle Association, citizens without affiliation may

begin to examine themselves and I am hoping that they will let their own logic be their guide and I am confident enough to believe that as we continue to examine the issue shorn of the romanticism and the myth that has enshrouded guns and gun usage in America, that we will create the climate for the best kind of changes that can be brought about.

Are there any other observations from the subcommittee?

Mr. McCLODY. I would like to ask a question, please, if you don't mind, Mr. Chairman.

Mr. CONYERS. Please do.

Mr. McCLODY. I think we should emphasize, as I have tried to emphasize very many times, that this is a subcommittee, the Subcommittee on Crime, and our primary concern is helping to reduce street crime. I guess whenever we get into the subject of handgun control, the control of handguns and legislation relating to handguns, we necessarily get into the accidental deaths that occur from handguns; these incidents that occur on the part of good people as Dr. Betts made reference to as well as those that are using the handguns for the violent crimes in our inner cities.

I don't think—I know you all come from different hospitals and you have given analyses of what has occurred.

You don't have any breakdown, I don't believe, do you, with respect to the number of gun wounds that—or deaths that have occurred from the commission of street crimes, as related to the accidental gunshot wounds in the home or other kinds of crimes that may be unrelated to street crimes.

Yes, Dr. Phillips?

Dr. PHILLIPS. I would like to speak to that.

Very definitely we do have that information. The Chicago Police Department details annually the types of injuries produced by guns and other weapons, where they occur, et cetera.

Now, that has been published and I thought circulated to the members of your subcommittee. If you do not have it, we will certainly see to it that you receive it.

Mr. McCLODY. You report all of these to the police, do you?

Dr. PHILLIPS. The police make an analysis. We report all gunshot wounds to them when seen in our emergency rooms, or wherever.

Mr. McCLODY. And this includes fatal wounds?

Dr. PHILLIPS. Fatal as well as nonfatal, and the breakdown does definitely include domestic altercations versus barroom brawls versus alley-gangway type robberies, and I might say that domestic altercations are very high on the list, sir.

Mr. McCLODY. You don't make any analysis, I don't believe, do you, of the guns that are in legitimate hands, registered and licensed to the gunowner, as contrasted to the illegal weapons that are used in connection with the commission of crimes and the inflicting of these wounds.

Dr. PHILLIPS. We treating physicians do not, but the Chicago Police Department Research and Development Department does.

Mr. McCLODY. Now, do any of you know of any study, or have you ever made any study or any analysis of the types of weapons or the types of ammunition, in connection with gunshot wounds, that are used.

Now, you know, I have heard that certain types of bullets are very destructive physically whereas others are relatively less destructive, and certain types of weapons are good for target practice, target shooting, and others, if you don't get up very close they don't shoot straight.

Have you made any study of the types of guns that really ought to be outlawed or the types of bullets that shouldn't be used because of the disastrous effect they have on the human body?

Dr. REPLOGLE. Well, that has been done, of course, by the Army Ordnance Department.

We can tell you precisely the energy equivalent of every type of ammunition.

To show you, however, the lack of information, when we went through our hospital records to get out the gunshot wounds, we found that they were filed under trauma.

Now, it didn't matter whether it was a sprain or a cat scratch or a bullet hole, it was all lumped into one computer number and consequently we had to go through thousands of files to get out the gunshots.

So, there hasn't been a very careful analysis, from the hospital's view, as to what the gunshot injuries really are.

We don't have that information.

Dr. LOWE. Mr. McClory, I think that the question that you are asking might set one up for a little inappropriate point of view and for you to think that there is a type of gun that is less dangerous than another type, let me just say this:

I am always reminded of a story I read in the newspaper once where, in the process of making a movie in Africa, they wanted to get a rhinoceros to charge and so they took a .22 and shot it and the rhinoceros fell over dead because the bullet just happened to hit the one point in this giant 7,000-pound animal that could fell it and as I say, they did it with a little tiny .22.

Now, if you took the large number of people who were shot with .357 magnums or with a .22, you will find that the .357 magnums would produce many more fatalities.

It is not just random chance that decides this.

Dr. ROSEN. People die from the rubber bullets that they use in Belfast so it's really not possible to invent a safe bullet.

I think that the point is best made that all bullets are dangerous. There is no such thing as one being worse than another, although clearly the amount of destruction is proportional to the velocity of the individual bullet.

Mr. McCLORY. Well, we have taken action to outlaw certain types of weapons and I thought if you had any thoughts on the matter—and I think that certain types of bullets are already outlawed, but I thought since you all have an expertise in this area, that it could be helpful.

I question that we are going to enact legislation to abolish all handguns, I really question that because your general statements with respect to this matter are such that we are not going to probably take action in the Federal Congress to outlaw slingshots and things like that which cause fatal injuries also.

Dr. ROSEN. Well, of course, if we had our druthers, we would have no bullets, but if you had a pick or a choice, if you would, if you could limit all bullets to .22-caliber weapons, that were of low velocity, because the M-16 uses a .22-caliber bullet but if it is delivered at a high enough velocity, it becomes an infinitely more powerful missile. It has to do with the velocity of the weapon that fires it.

Mr. McCLORY. I understand that there are some bullets that are much more apt to cause fatal injuries than other types, aren't there, or don't you know?

Dr. REPLOGLE. There are. It depends upon the energy.

A .22-caliber bullet fired by a high-velocity weapon will do a higher amount of damage. The higher the caliber of the bullet, the bigger the thump.

When we operate on someone, the damage that is done by the bullet, we know it is such that it involves the entire area.

For instance, if a bullet hits one of your great arteries and we have a hole and we are able to stop the bleeding, we can resect about a half inch on each side of the hole and then we can put in a graft but the damage extends far beyond what you can see with higher velocity bullets.

Mr. McCLORY. I thought they had done experiments——

Dr. BETTS. And also, any bullet can sever a spinal cord.

Mr. McCLORY. Do you have something to add, Dr. Lowe?

Dr. LOWE. Yes. I think, Mr. McClory, it could be answered that the amount of damage produced by the bullet is the function of the weight of the bullet and the speed with which it leaves the muzzle of the gun, and if you want to pass legislation that would attempt to get rid of the very severe type of gunshot wound, you would have to work out something that would limit the size of the bullet and the muzzle velocity.

Mr. CONYERS. Might I turn the discussion now over to Mr. Ashbrook of Ohio, for any remaining points that he might want to raise.

Mr. ASHBROOK. I have no questions, Mr. Chairman.

I would merely say, as you pointed out, in trying to keep a balanced record that your opinions regarding the myth and the romanticism of guns, that in my opinion, that if that is true, there is no doubt in my mind what I see evolving other myths and romanticism and that would be that somehow or other, by removing guns by any means, that we are going to bring peace, tranquility, et cetera.

I happen to think that we would be substituting one myth, if indeed it is a myth, for another one, and I also believe very sincerely that the greatest myth we have is legislative self-delusion, that we answer problems by legislation.

I merely point that out to keep a running balance in the record.

Dr. BETTS. I don't think that anyone implied that it was the whole solution.

Mr. ASHBROOK. I was talking of the general feeling of those who would remove guns on the theory that would be a major step forward.

I don't think it would be, much more than the prohibition of the twenties.

Dr. BETTS. Well, even a small step would help.

Dr. REPLOGLE. I think so. I was most impressed when I was in Sweden. They have eliminated drunken driving, and if you go to a

party in Sweden, one member of the family doesn't drink, and that if you are drunk, it calls for a 30-day jail sentence so either the husband or the wife doesn't drink.

They go to the cocktail parties, but one of them does not drink.

Now, I think that the first time that some prominent citizen is sent to the cooler for 30 days, it will really impress a lot of people.

Mr. ASHBROOK. Again, they did not remove the drinking. They just made a stronger deterrent and I would probably agree to that.

Thank you, Mr. Chairman.

Mr. CONYERS. You're welcome.

Gentlemen, this has been a very productive session—although all too brief, from our point of view—but I would invite you to stay in touch with the subcommittee.

You have perceived quite accurately the very heavy obligations which you are carrying in trying to bring some understanding and some reason and, hopefully, some productive effective legislation to the subject.

Thank you all very, very much.

I see in the audience the Maine High School history class that Mr. Carlson has brought to the hearings today.

I hope that this will be a meaningful session for all of the students and we welcome you to our hearing.

Our next witness is from the Alcohol, Tobacco, and Firearms Bureau.

The acting Regional Director is with us, Mr. William T. Drake, and we would invite him to come forward.

He is accompanied by Mr. William H. Richardson, the Assistant Regional Director, Criminal Enforcement, and he has with him three other colleagues whom I will ask Mr. Drake to introduce.

First of all, of course, we welcome you as a part of the enforcing agency which has the tremendous responsibility to try to make some sense out of the Gun Control Act of 1968.

You come before a sympathetic committee that has some appreciation of your responsibility since your director, Mr. Davis, has been before us in three full sessions and we still look forward to an undetermined number of others as we try to gain some real understanding of the nature of your responsibilities.

We have your prepared statement and it will be entered into the record at this time.

[The prepared statement of Mr. Drake follows:]

STATEMENT OF WILLIAM T. DRAKE, ASSISTANT REGIONAL DIRECTOR, REGULATORY ENFORCEMENT MIDWEST REGION, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, U.S. TREASURY DEPARTMENT

Mr. Chairman and Members of the Committee, I am William T. Drake, Acting Regional Director of the Midwest Region, Bureau of Alcohol, Tobacco and Firearms, U.S. Department of the Treasury.

With me today is Mr. William H. Richardson, Assistant Regional Director, Criminal Enforcement. He will discuss our Criminal Enforcement activities in the Midwest Region. Mr. David A. Pierce, Regional Counsel, is here to provide assistance concerning any legal distinctions of the various laws we enforce, and Mr. Nick Voinovich, Firearms Coordinator in this region is here to assist me in Gun Control Act administrative questions.

ATF's Midwest Region includes nine states: Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Missouri, Kansas and Nebraska.



We are organized into two divisions—Criminal Enforcement and Regulatory Enforcement. Criminal Enforcement, as Mr. Richardson will discuss, perfects criminal investigations under the Gun Control Act and various federal liquor laws. They also provide important technical support to state and local law enforcement agencies in their criminal investigations involving certain types of firearms and destructive devices, as well as other illegal activities.

The Regulatory Enforcement activity, on which I will concentrate my remarks, is responsible for an extensive permit and excise tax collection program covering distilled spirits, beer, wine, and industrial alcohol. Excise tax revenue collected in connection with these activities in the Midwest Region exceed 800 million dollars in fiscal year 1974.

Under Title 26 of the United States Code, Sections 5202 and 5553, "Joint Custody" of distilled spirits plants was established. This means that where a distilled spirits plant conducts operations, ATF is required by law to provide on-site, full time supervision.

We also enforce the Federal Alcohol Administration Act. Investigations under this Act involve such things as unfair trade practices, consumer protection, commercial bribery, and product misrepresentation.

We have recently been given the responsibility for enforcing the Federal Wagering Law, and are in the process of developing the Regulatory Enforcement role in that area.

In addition, we are responsible for the licensing provisions of the Gun Control Act of 1968, and we conduct application and subsequent compliance investigations of the regulated firearms industry.

We also conduct application investigations and issue permits and licenses under the provisions of the Explosives Control Act of 1970. Our activities here involve a rather extensive compliance investigation program of the regulated explosives industry.

In the Midwest Region, we have 93 Regulatory Enforcement field Inspectors to meet all of our responsibilities under the various laws we enforce. These Inspectors operate out of six area offices located throughout the nine states.

In our Chicago area office, we have 19 Inspectors available for such duties as assignment to the various distilled spirits plants in the area; conducting original application investigations pertinent to the various permits and licenses; conducting compliance investigations of explosives licenses and permittees; performing revenue audits and investigations of certain types of claims for refunds filed by taxpayers; conducting investigations relative to consumer and trade practice complaints, and conducting compliance investigations of licensed firearms dealers. As you can imagine, our field inspectors are involved in a wide variety of assignments, in addition to the firearms original and compliance investigation program.

The scope of these activities, as they relate to our firearms responsibilities in Chicago, can be seen on the map we have prepared. Each pin represents five firearms licensees, mostly dealers. As you can see, the largest concentration of licensees is in the suburbs surrounding the city.

In Regulatory Enforcement, our major objective in implementing the Gun Control Act is to ensure that only qualified applicants get licenses, and having obtained a license, that they comply with the selling, recordkeeping, and other requirements imposed by the Act and regulations. ("Qualified" applicants are those who meet the five basic requirements in Section 923(d)(1) of the Act. The five points which must be met are contained in the material which you have been provided, as item number 8.)

By law we have 45 days to complete all actions on every license application. That is, within 45 days of receipt of an application, we must either issue the license or initiate formal denial proceedings. The procedures we follow for both original and renewal license applications are in the background material provided to you (item number 9 and number 10).

Each original application is investigated by a field inspector as a vital part of the processing procedure. The purpose of the field investigation is to establish whether the applicant is qualified (relative to the five basic requirements I mentioned), and to ensure that the applicant is aware of his responsibilities under the law.

At some point after issuance of a dealers license, we schedule a compliance investigation to determine whether a dealer is complying with the provisions of the law, as well as to answer any questions, and to provide information con-



cerning the law. These investigations are conducted during normal business hours, and without advance notice to the licensee.

As a part of the compliance investigation, the licensee's inventory of firearms and the various required transaction records and commercial records are inspected for compliance with law and regulatory requirements. Purchaser's names may be noted to check to determine whether the purchaser has a prior arrest record (or any other condition) which would, by law, prohibit the purchase of a firearm. Serial numbers of selected firearms in inventory may be recorded and checked to determine whether any have been reported as stolen.

Information on potentially illegal dealer activities is referred to the Criminal Enforcement division, and Mr. Richardson will be able to discuss this with you in greater detail. Where regulatory violations which do not have criminal prosecutive potential are identified, we initiate action to obtain compliance with the statute and regulations, or to revoke the license, or to deny the renewal application.

I have provided you with some additional information intended to give you a more detailed picture of our Regulatory Enforcement operations in the Midwest Region. With that, Mr. Chairman, this concludes my introductory remarks.

With your permission, Mr. Richardson will continue by discussing our Criminal Enforcement activities. At the conclusion of his statement, we will, of course be available to answer any of your questions to the best of our ability.

DEMOGRAPHIC INFORMATION, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS MIDWEST REGION,  
BUREAU OF THE CENSUS, JULY 1, 1974

	Population (estimated)	Area in square miles	Number of inspectors
Illinois.....	11,131,000	56,000	41
Wisconsin.....	4,565,000	56,000	9
Minnesota.....	3,917,000	80,000	12
North Dakota.....	637,000	70,600	0
South Dakota.....	682,000	76,000	0
Iowa.....	2,855,000	56,000	4
Nebraska.....	1,543,000	76,000	1
Kansas.....	2,270,000	82,000	3
Missouri.....	4,777,000	69,000	23
Total.....	32,378,000	1,622,200	93

<sup>1</sup> Approximate.

ATF MIDWEST REGION, PERMITS AND LICENSES BY STATE, AS OF DEC. 31, 1974

	All other types	Apr. 1, 1975	
		Firearms	Explosives
Illinois.....	1,388	5,845	107
Iowa.....	349	3,987	38
Kansas.....	251	2,893	114
Minnesota.....	551	4,363	67
Missouri.....	588	5,935	120
Nebraska.....	167	2,138	41
North Dakota.....	93	1,234	12
South Dakota.....	94	1,285	25
Wisconsin.....	783	4,238	67
Total.....	1,4264	31,918	591

<sup>1</sup> Distilled spirits plants, breweries; bonded wine cellars, SOA; Tax Free Users, WLO's; and manufacturers of nonbeverage products, tobacco products, etc.

ATF—Midwest region GS-1854 staffing

Chicago.....	19
Peoria.....	22
Kansas City.....	15
St. Paul.....	12
St. Louis.....	14
Milwaukee.....	11
Total inspectors.....	93

*ATF—Midwest region regulatory enforcement.*

ASSUMPTION—AUGUST 1968

That only 75 percent of those now licensed under the Federal Firearms Act would apply for a license under the Gun Control Act of 1968. (Approximate number of licensees on record at this time—15,000.)

After the initial impact of new applications (upon GCA becoming law) most of the licensing activity would involve processing renewals.

Anticipated—12,000 licensees in Midwest Region with the figure of 17,000 being the highest projection. (Kansas not included.)

FACT—1975

Under GCA, receipt of original applications during first six months was over 25 percent higher than anticipated and continued so.

New applications submitted have averaged one hundred per week since 1970, first full year after GCA was in effect.

Licensees on record—1970, 26,800; 1971, 26,000; 1972, 26,500; 1973, 27,800; 1974, 31,800 (State of Kansas added to Midwest Region effective October 1, 1974 (2,700)); 1975, 31,018 (As of March 31, 1975).

Estimated Revenue (32,000 × \$10) \$320,000.

*ATF—Chicago area as of April 1975.*

Total Chicago area licensees.....	2,308
Operating out of a residence (mainly firearms dealers).....	997

## Class of firearms license:

Ammunition manufacturer.....	122
Pawnbroker-dealer .....	8
Collector .....	117
Manufacturer of Firearms—other than destructive devices.....	11
Importer of firearms—other than destructive devices.....	11
Title I dealer.....	2,039

Total licenses in Chicago area.....	2,308
-------------------------------------	-------

Before fiscal year 1974, we did not keep detailed statistics on firearms dealer applications that were not issued. During fiscal year 1974, 818 applications were denied, 434 were originals and 384 were renewal applications.

## FIREARMS LICENSE APPLICATION DENIALS, WITHDRAWALS, ETC., FISCAL YEAR 1974

*Causes and reasons*

Withdrawn, 370.

Individuals by inspection as not engaging in business; proposed operation violated local ordinance (for example in the Chicago-Plan).

Denied, 99.

Under age, no business premises, criminal background, inactivity (not engaged in business).

Abandoned, 91.

Moved, no forwarding address; no longer interested (did not reply to letter of inquiry).

Not timely filed, 258.

Application not forwarded until license had expired. These are then required to submit a new application. They do in most cases.

## FIREARMS LICENSE APPLICATION DENIALS, WITHDRAWALS, ETC., FISCAL YEAR 1975 TO DATE

*Causes and reasons*

Withdrawn, 343.

Individuals not aware of regulatory and recordkeeping requirements; did not actually intend to engage in the business; unaware of local ordinance restrictions.

Denied, 21.

Applicant under 21 years of age; criminal background; no business premises. Abandoned, 35.

Moved, left no forwarding address; no longer interested (did not reply to letter of inquiry).

Not timely filed, 145.

Application not forwarded until license had expired. A new application must be submitted and approved before individual can engage in business. In most cases, new applications are submitted.

Original applications -----	356
Renewal applications -----	188
Total -----	544

#### FIVE POINTS WHICH MUST BE MET BEFORE A LICENSE IS ISSUED

1. The applicant is 21 years of age or over;
2. The applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under section 922(g) and (h) of this chapter;
3. The applicant has not willfully violated any of the provisions of this chapter or regulations issued thereunder;
4. The applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application; and
5. The applicant has in a State (i) premises from which he conducts business subject to license under this chapter or from which he intends to conduct such business within a reasonable period of time, or (ii) in the case of a collector, premises from which he conducts his collecting subject to license under this chapter or from which he intends to conduct such collecting within a reasonable period of time.

#### PROCEDURES FOR ORIGINAL FIREARMS APPLICATIONS

1. Examiner enters application in log and issues number to application.
2. Examiner enters number and date received in desk record.
3. Clerk checks 1506 file for derogatory information.
4. Folder prepared for each applicant including color labels (state-year).
5. FBI name check prepared. Pink sheet retained in folder until return of name check.
6. Application reviewed and questionable items or omitted items checked with red "X".
7. Prepare inspection request, plus 3 white tissues; attach Form 7 and 2 tissues to application.
8. Place copy of inspection request in folder. Place folder in suspense file using target date.
9. Upon receipt of inspection report, examiner makes corrections on Form 7. Stamp and date Regional Director's name on Form 7, and prepare Form 5310.5.
10. If qualified, issue license. Examiner initials Part IV and returns to clerk for Regional Director's signature, bursting, filing Parts III and IV and mailing Parts I and II.
  - (a) If withdrawn see attached tab C.
  - (b) If not qualified see attached tab B.
11. Part V to criminal, part VI to inspection.
12. Date license issued entered in date book.
13. Forms 5310.3 and 5310.4 prepared and forwarded to Bureau Headquarters.

## TAB B.—ORIGINAL APPLICATION—DENIAL

	Citing authority	Remarks
1. If denial is recommended, pull folder out of pending file and place in denial pending file.	M.S. 62G-43, sec. 4.04.	
2. Prepare form 4498, notice of denial application in triplicate.	Regional policy	Through coordinator and chief, TSB, use form 41.
3. If necessary to obtain a statement of law and facts, forward file folder to ATF regional counsel for preparation of letter.	Sec. 4.04	1st carbon copy is served on applicant.
4. After receipt of forms 4498 and statement, prepare the original and 1 copy for serving on the applicant.	Sec. 6.02	
5. If denial is final, complete item 26 on original form 7. Mark Form 7 "disapproved" and return copy to applicant.	Sec. 4.04	
6. Reproduce copy of p. 2, form 7. Stamp disapproved-refund fee, date, and initial and forward to appropriate service center.	Sec. 6.02	Place in 1506 file.
7. Prepare 3 by 5 file card for each person listed on form 7. Note the card license denied and cross-reference to application folder, showing names and addresses and date of denial. Briefly state why license was denied.		
8. Denial in disapproved application file. Folder should contain form 4498, form 7, inspection report, and any pertinent correspondence and documents.		

## TAB C.—ORIGINAL APPLICATION—ABANDONED/WITHDRAWN

1. Upon determination that the application is abandoned, pull the folder from pending file.	M.S. 62G-43, sec. 6.02.	
2. Prepare a photocopy of p. 2, form 7. Stamp the form application abandoned or application withdrawn as appropriate. Also stamp the form refund fee.	Sec. 6.02	
3. Date and initial the form 7 and forward to appropriate service center.	do	Regional policy.
4. Prepare 3 by 5 card, showing name and address of the applicant, date of abandonment and cross-reference to application folder. Place card in 1506 file.	do	Include license number.
5. Place copy of application, inspection report, if any, and all correspondence or documents in file folder. Place folder in disapproved application file.	do	

## PROCEDURES FOR RENEWAL OF FIREARMS APPLICATIONS

1. Upon receipt of properly executed renewal application, Part III of Form 8, pull file folder, make necessary entry in desk record, check for address change or change in ownership.
2. Check folder for special instructions. (Inspect prior to renewal, change in partnership, request new application to be submitted.)
3. If everything is in order, Examiner will have clerk type new Form 8.
4. Examiner will review the typed Form 8 for errors. If in order, the Regional Director's name will be stamped on Part 1 of Form 8.
5. Make entry on desk record showing date license is mailed to licensee.
6. Burst Form 8—
  - Mail Part 1 and 2 to licensee;
  - Part III placed in renewal file for mailing next year;
  - Part IV placed in master file, pulling out and destroying old copy;
  - Part V to Criminal Enforcement; and
  - Part VI to Regulatory Enforcement.
7. Abandoned—same procedure as original.
8. Denial—not timely filed—Tab G.

## TAB G.—RENEWAL APPLICATION—NOT TIMELY FILED

	Citing authority	Remarks
General: A timely filed Form 8, pt. III, renewal application, is one which is date stamped received by the Bureau or IRS Service Center on or before the expiration date shown on the form.	M.S. 62G-56 .....	
1. If the applicant does not renew timely, he must again submit form 7 if he intends to continue in the business.	.....	
2. Upon receipt of an untimely filed pt. III, use form letter L-329 to notify the applicant that his license has terminated; he has no authority to conduct previously authorized activities; he must apply for a new license by submitting new form 7 and receive a new license before he can resume operations.	.....	Mail form 7 in triplicate.
3. Transcribe the DLN (document locator number) shown on pt. III (if it has been processed through the service center) on each form 7 being mailed to the applicant.	.....	
4. Advise the applicant to complete the form 7 and return to the Firearms Section directly.	.....	
5. Place pt III in the applicant's file folder pending receipt of new form 7.	.....	
6. Upon receipt of properly executed form 7, follow instructions shown in tab A, step 3. A new number will be issued unless the applicant requested in writing to retain his old number.	.....	
7. Pt. IV of old license number will be pulled and annotated regarding new number assigned or reissuance of his old number and placed in inactive pt. IV files.	.....	
8. If applicant continues in business, there is no need to obtain records generated from his original licensed stations.	.....	
9. Review file folder and if applicant had been previously inspected either for qualification or compliance, it is not necessary to make field inspection at this time. If otherwise qualified, license can be issued.	.....	See tab A.
10. If no prior inspection had ever been made on applicant, prepare form 81 and request inspection be made. File folder will be placed in pending until inspection report is received.	.....	
11. Upon receipt of favorable inspection report, proceed with instructions in tab A regarding issuance of new license.	.....	
12. Follow steps 13 through 19 in tab A.	.....	

## BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, MIDWEST REGION, FISCAL YEAR 1975

## REGULATORY INVOLVEMENT IN FIREARMS/EXPLOSIVES PROGRAM, JULY 1, 1974, THROUGH FEB. 28, 1975

	Applications Investigations	Percent	Compliance Investigations	Percent	Total midwest region Investigations	Percent
Firearms:						
C-----	230	6.8	67	6.3	297	6.7
R-----	3,164	93.2	985	93.7	4,149	93.3
Total-----	3,394		1,052		4,446	
Explosives:						
C-----	0		6	2.7	6	2.3
R-----	47	100	217	97.3	264	97.7
Total-----	47		223		270	

17—no total.

R—Regulatory enforcement.

C—Criminal enforcement

## FIREARMS, ATF—MIDWEST REGION

Why the increase in the number of applications?

1. Low fee of \$10 for firearms dealer license.
2. Easy qualifications—storefront business premises not necessary; no capital investment required; no trade connections necessary.
3. Nominal recordkeeping requirements.
4. Purchase of personal guns at a significant savings.
5. Publicity
6. Certain wholesalers are requiring all purchasers to obtain Federal Firearms Licenses, even for purchases involving parts or ammunition manufacturing supplies.
7. Suburban Licensees—Sales to residents of Chicago due to less restrictive or nonexistent requirements on purchasers of firearms in suburbs (non-residents).
8. Public apprehension and fears—increase in sales in weapons—the applicant figures he can make a profit if he opens up a firearms business in his locality.
9. Many obtain licenses to enable them to sell ammunition in conjunction with other businesses they operate (service stations, grocery stores, etc.)—especially true in rural areas.
10. Gives easy access to interstate purchases.

## WHY OBTAIN A DEALER'S LICENSE?

One reason—dollars—to save money when purchasing personal firearms—or purchasing weapons for relatives or close friends.

Note: the advertisement in Gun Week, Feb. 7, 1975.

	To FFL dealers
(1) Colt, detective special:	
0.38 special (list) .....	\$140.00
Regular price to dealer .....	111.05
20 percent .....	28.95
(2) BSA rifle (list) .....	198.20
To dealer .....	138.05
37 percent .....	60.15
(3) High standard model 10 shotgun .....	275.00
To dealer (special) .....	188.00
32 percent .....	87.00

As evidenced from samples shown above—the price of a license, \$10.00, would soon be “saved” when making the first purchase. Savings of 20–37% are readily available to individuals possessing a firearms license.

An individual can easily meet the requirements to obtain a dealer's license for a \$10.00 annual fee. He is required to “engage in the business”, but the number of sales necessary to qualify has never been (determined) established. All the individual has to do is meet the 5 statutory requirements.

# ATTENTION DEALERS!

**HIGH STANDARD VICTOR**



38 S&W  
38 Special  
List \$57.65  
DEALER \$50.75

**TITAN TIGER**



38 S&W  
38 Special  
List \$57.65  
DEALER \$50.75

**F.I.E. DERRINGER**



38 Special  
Retail \$42.80  
DEALER \$32.80

**New Llama Automatic Pocket Model**



380 Cal.  
38 Cal.  
List \$114.85  
Dealer \$88.50  
SPECIAL \$93.00

**LLAMA AUTOMATIC**



380 Cal.  
38 Cal.  
List \$114.85  
Dealer \$88.50  
SPECIAL \$93.00

**IVER JOHNSON CADET 555A**




38 S&W  
List \$52.00  
DEALER \$38.25

**F. I. E. REVOLVER**



38 S&W  
List \$52.00  
DEALER \$38.25

**COLT SAUER RIFLE**



38 S&W  
List \$52.00  
DEALER \$38.25

**COLT GOLD CUP**



45 Caliber  
List \$258.00  
Dealer \$203.07  
SPECIAL \$164.10

**COLT COMMANDER**



38 S&W  
List \$175.35  
DEALER \$139.31  
SPECIAL \$132.57

**HUSQVARNA CARL GUSTAF RIFLE**




12 Gauge  
List \$197.15  
Dealer \$155.75

**IVER JOHNSON O&U SHOTGUN**



12 Gauge  
List \$197.15  
Dealer \$155.75

**HIGH STANDARD RIOT SHOTGUN**



12 Gauge  
List \$197.15  
Dealer \$155.75

**HIGH STANDARD MODEL 10 SHOTGUN**



12 Gauge  
List \$197.15  
Dealer \$155.75

**PLAINFIELD M71 22 or .25 AUTO**



22 or .25  
List \$54.00  
DEALER \$44.00

**BSA RIFLE**



30-06, 270 Win., 300 Win., 343 Win., 220 Rem.  
List \$190.20  
DEALER \$138.05

**TITAN AUTO**



25 Caliber  
List \$42.80  
DEALER \$30.70

**HI-STD DERRINGER**



38 S&W  
List \$52.00  
DEALER \$38.25

**COLT COBRA**



38 S&W  
List \$142.00  
Dealer \$113.43  
SPECIAL \$108.30

**COLT NEW FRONTIER**



38 S&W  
List \$142.00  
Dealer \$113.43  
SPECIAL \$108.30

**COLT DETECTIVE SPECIAL**



38 S&W  
List \$142.00  
Dealer \$113.43  
SPECIAL \$108.30

**Harrington & Richardson Model 929**



38 S&W  
List \$142.00  
Dealer \$113.43  
SPECIAL \$108.30

**LLAMA MARTIAL REVOLVER**



38 S&W  
List \$142.00  
Dealer \$113.43  
SPECIAL \$108.30

**COLT AR-15 RIFLE**



5.56  
List \$225.40  
SPECIAL \$225.40

**ARMY GALESI .25 AUTO**



.25 Auto  
List \$43.95  
DEALER \$31.50

**ARMY GALESI .25 AUTO**



.25 Auto  
List \$43.95  
DEALER \$31.50

**Stoeger Luger Package**



Stoeger Luger  
List \$142.00  
Dealer \$113.43  
SPECIAL \$108.30

**MAUSER HSC**



38 S&W  
List \$142.00  
Dealer \$113.43  
SPECIAL \$108.30

**Harrington & Richardson Model 925**



38 S&W  
List \$142.00  
Dealer \$113.43  
SPECIAL \$108.30

**L.A. GATTEMAN**



38 S&W  
List \$142.00  
Dealer \$113.43  
SPECIAL \$108.30

**COLT AGENT**



38 S&W  
List \$142.00  
Dealer \$113.43  
SPECIAL \$108.30

**COLT Government Model**



38 S&W  
List \$142.00  
Dealer \$113.43  
SPECIAL \$108.30

**Special Folding Shotgun - Made in Italy**



12 Gauge  
List \$197.15  
Dealer \$155.75

**WESTERN RESERVE ARMS CO.**



12 Gauge  
List \$197.15  
Dealer \$155.75

**38 S&W**



38 S&W  
List \$142.00  
Dealer \$113.43  
SPECIAL \$108.30

We Accept...

AND

SEND CHECK WITH ORDER

Personal Checks Must Clear Before Shipment

Western Reserve Arms Co. - Distributors

Phone 216-361-6344

Closed May 1976

**TESTIMONY OF WILLIAM T. DRAKE, ASSISTANT REGIONAL DIRECTOR, REGULATORY ENFORCEMENT MIDWEST REGION, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, U.S. TREASURY DEPARTMENT**

Mr. CONYERS. Now, we will ask you, Mr. Drake, to introduce your colleagues that I have not mentioned and then you can begin your testimony.

Mr. DRAKE. Thank you, Mr. Chairman.

As you noted, I am the Acting Regional Director, and on my left is Mr. William H. Richardson, Assistant Regional Director, Criminal Enforcement.

On my right, is David A. Pierce, Regional Counsel; next is Mr. Nicholas Voinovich, Firearms Coordinator.

Next is Mr. James L. Welch, Special Agent in charge, Chicago District, Criminal Enforcement.

Next is Mr. James P. Windan, Special Inspector, Chicago area office, Regulatory Enforcement.

Mr. CONYERS. Welcome, gentlemen, and would you please begin, Mr. Drake.

Mr. DRAKE. Mr. Chairman, you have the statement entered so I will highlight that statement.

There are two divisions, the Criminal Enforcement and the Regulatory Enforcement Divisions, and we are responsible for the midwest region which includes nine States.

I will address myself to the Regulatory Enforcement activity and Mr. Richardson will deal with the Criminal Enforcement Division.

The Regulatory Enforcement Division is primarily involved with a number of laws besides the firearms law.

Mr. CONYERS. Pardon me, would you please talk up just a little bit.

Mr. DRAKE. Surely.

Mr. CONYERS. I don't think we are picking it up all the way in the back and we might turn up the mikes just a little bit.

Mr. DRAKE. I say we are responsible for more laws than just the firearms laws.

We have responsibility for the revenue laws dealing with distilled spirits, beer, wine, and industrial alcohol.

In the fiscal year 1974, we collected some \$800 million in this region in excise tax and we are responsible for the Federal Alcohol Administration, the consumer protection and trade practice complaints.

We also recently received responsibility for the wagering law and we are developing our role in this.

We have responsibility for the explosive law of 1970, and then the firearms law, the Gun Control Act of 1968.

In the Midwest region we have approximately 31,918 firearms licensees as of now.

We give approximately 5,000 new applications per year in the midwest region.

We have 93 Federal inspectors, responsible for the many various laws we enforce.

In the Chicago area, we have 19.



If you will look at the maps, you will get some concept of the number of dealers we are dealing with.

Each original application is given a field investigation.

We are concerned there with establishing that the applicant is qualified and meets the five basic points of qualification.

We also schedule compliance investigations of dealers.

Mr. Chairman, with that, I will turn to Mr. Richardson.

**TESTIMONY OF WILLIAM H. RICHARDSON, ASSISTANT REGIONAL DIRECTOR, CRIMINAL ENFORCEMENT, MIDWEST REGION, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, U.S. TREASURY DEPARTMENT**

Mr. RICHARDSON. Mr. Chairman, I would like to take just a few moments and give you some information on the criminal enforcement side.

In the Midwest region, we have 167 special investigators. The average age of these men is 38, and about 55 percent are college graduates.

We are charged with the enforcement of the Explosives Act of 1970, the Gun Control Act of 1968, the illicit liquor laws, and also recently, we have had had assigned to us, the enforcement of the wagering laws, which were passed by the Congress, so we have a tremendous enforcement responsibility.

During or since July 1970, we have perfected 1,931 criminal cases. These cases involved the seizure in excess of 4,500 firearms and the number of defendants in excess of 2,500.

In the city of Chicago alone, we have 32 special agents. This is all inclusive. This is in a city which the greater metropolitan area approaches 6 million.

The population of the region in which we have responsibility approaches 31 million. It is an extremely large region geographically.

Approximately 91 percent of the investigations that we have completed deal with firearms as opposed to explosives, and we have not commenced investigations in the liquor area in any significant amount.

We have engaged in several important programs and one that has started and it is a significant primary program wherein we have some activity in the interstate theft—project I, a gun theft program which involves dealers.

I am sure that you are probably familiar with these various programs from testimony given by our Director in Washington.

We are directing our enforcement efforts toward street crime.

Much of our work is undercover work.

We have special agents having face to face contact with the violators and we concentrate on apprehending the criminal in the commission of the crime, which involves the firearms law.

We have funds available to make undercover purchase of evidence. Thus far, we have not had sufficient funds in this area. Hopefully, this will improve.

The Bureau has gone through a tremendous amount of change with the enactment of the Gun Control Act, the reorganization of the Bureau and the addition of wagering law responsibilities.

When we look at the number of cases that we have made, and the defendants in these cases, and the number of guns that we have seized, which come from criminals, it is not very impressive, but I feel that with the staffing that we have, which I consider to be excellent, with the excellent rapport that we have with the State and local police departments. I believe that we have done a very good job with the resources available.

We emphasize very heavily on quality cases, and cooperation with the State and local enforcement agencies.

We have engaged in and are now currently engaged in some in-depth, long-term type of investigations and we work cases with these people on a day-to-day basis.

Mr. Chairman, with this, I conclude my comments.

Mr. CONYERS. Thank you.

[The prepared statement of Mr. Richardson follows:]

STATEMENT OF WILLIAM H. RICHARDSON, ASSISTANT REGIONAL DIRECTOR, CRIMINAL ENFORCEMENT, MIDWEST REGION, BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS, U.S. TREASURY DEPARTMENT

The Midwest Region of the Bureau of Alcohol, Tobacco and Firearms encompasses nine states: Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

There are District Offices located in Chicago, Illinois; St. Louis, Missouri; Kansas City, Missouri; and St. Paul, Minnesota.

The total staffing of Special Agents in the Midwest Region is 167. (Exhibit 1)

Typically, the average age of a Special Agent is 38, and he has eight years of service with ATF. Approximately 55% of our staff are college graduates. The remainder have prior investigative experience and most have achieved some college training.

Our recruitment procedures are guided by Civil Service requirements, and we place a strong emphasis on soliciting applicants from college campuses and minority groups.

The journeyman grade of a Special Agent is GS-11 and approximately 25% of our field Agents (non-supervisory or staff) are GS-12's.

A Special Agent receives on-the-job training (OJT) from a journeyman Special Agent during his first year of employment. During this time, he undergoes six weeks of formal training at the Treasury Consolidated Training School and participates in four weeks of instruction at the ATF Basic Investigator School. He periodically receives specialized training in Explosive and Gun Control, Wagering, General Refresher and other technical training (i.e., bomb scene search, photography, etc.).

The journeyman Special Agent works under the general direction of a first-line supervisor, and is responsible for the development and utilization of informers, working in undercover roles and maintaining liaison with local, State and Federal law enforcement agencies and prosecutors in his area of responsibility. He is expected to develop cases on criminals who are of such significance that Federal prosecution is warranted.

Special Agents are primarily empowered to enforce the Explosive Control Act, Gun Control Act and the Internal Revenue Code provisions relating to wagering and illicit liquor.

The major thrust of our enforcement effort in this region is directed toward firearms and explosives violations. The Wagering Program, just recently assigned to ATF, is in the early development stage, but we anticipate that it will demand a substantial amount of our time application. Our estimates are based on the past experiences of the Intelligence Division of the Internal Revenue Service.

The illicit liquor situation appears to be under control and demands little of our time in both rural and urban areas.

The majority of cases perfected are for firearms violations. ATF wrote 1,931 firearms cases in the region from July 1, 1970 to February 28, 1975; and in the same period, 699 cases were perfected in the State of Illinois, and 85 in the

Chicago area during the period July 1, 1974 to March 31, 1975. During fiscal year 1974, we spent 88% of our investigative time on firearms enforcement. (Exhibits 2 and 9)

Not all of our investigations resulted in recommendations for criminal prosecution; however, many developed into a referral to another law enforcement agency or increased our knowledge of a potential criminal situation. By utilizing our new statistical system, we were able to determine that in a six-month period 91% of our completed investigations were related to firearms matters. (Exhibit 3)

ATF has participated in Department of Justice Strike Forces since 1968. We have representatives assigned to the Strike Forces in Kansas City, Missouri; St. Louis, Missouri; and Chicago, Illinois. The addition of the wagering laws should significantly increase our Strike Force commitment.

Prior to August 1973, our Special Agents were also performing noncriminal compliance work, which consisted of qualifying applicants for firearms and explosive licenses and conducting inspections of these licensees. We are, however, still responsible for that task in North and South Dakota. Our overall time applied to compliance work averaged 4% of our total manpower expenditure for the year prior to August 1973.

We are currently responsible for conducting investigations of applicants for relief from disabilities. Regulatory Enforcement is taking over that function, except for the States of North and South Dakota, in July of this year.

Our enforcement effort has been directed to metropolitan areas subsequent to the enactment of the ECA and GCA and reduction of illicit liquor problems. We have closed several remote Posts of Duty and relocated their personnel in major cities. Budgetary restrictions have, however, curtailed some of our planned moves.

ATF realizes that crime in the streets continues to be an immediate threat to the community and in response to this problem, ATF in November 1974 directed all its varied efforts into the Significant Criminal Enforcement Program. To date, this region apprehended 29 significant criminals and recommended 18 others for prosecution. (Exhibits 4 and 5)

ATF has 34 Special Agents assigned in the greater Chicago area, while the Chicago Police Department has approximately 13,500 sworn personnel and the Federal Bureau of Investigation reports approximately 360 Agents in the metropolitan area. (Exhibit 1)

We maintain good working relationships with all the law enforcement agencies and have participated in numerous joint projects and investigations. If time permits, we would like to discuss some of these with you.

We are participating in a program involving the Cook County States Attorney, U.S. Attorney's Office and Chicago Police Department. The goal of this program is to identify individuals arrested by Chicago Police who are in violation of Federal firearms laws and to determine if prosecution in Federal court is more advantageous. Hopefully, we will obtain convictions and lengthy sentences on those violators who present a serious threat to the public safety.

We are always alert to violations of laws not enforced by ATF, and from March 1973 to February 1975, we referred 7,170 items of information to local and Federal law enforcement agencies. We do not always follow up on our referrals to determine the results. (Exhibit 6)

Assistance to local law enforcement agencies is a major commitment of ATF. Thirty-eight percent (38%) of the cases written for prosecution during the period May 1, 1973 to April 30, 1974, were referred to us by local and Federal law enforcement agencies. Where not prohibited by law, there is a free exchange of information between ATF and other enforcement agencies. ATF historically has responded to the needs of other law enforcement agencies. Exhibit 13 contains a summary of our cooperative efforts.

ATF also participates in the training of local officers through Law Enforcement Assistance Administration (LEAA) funded schools. We instructed in 10 LEAA schools in calendar year 1974. (Exhibit 7) We have also trained 5,110 local officers as a result of our participation in other training programs during calendar year 1974. (Exhibit 8)

ATF has made it a policy to assist the Chicago Police Department in the enforcement of their gun registration law. During our visits to selected firearms dealers outside of the city, we noted the names of Chicago residents who have purchased firearms. This data is provided to the police and they conduct a file

search to determine if the gun has been registered. We have referred 6,650 items of information to the City of Chicago since March 1973. (Exhibit 6)

The GCA does not provide for the submission of firearms transaction records (Form 4473), and ATF must limit its inspection of these records to those occasions when a Special Agent or Inspector is on the premises of a licensed firearms dealer. There are approximately 2,000 firearms dealers in the Chicago metropolitan area. We do, on a highly selected basis, canvas those dealers that are located in a high crime area or whose major business is from residents of those areas. Obviously, we are unable to routinely inspect the records of all firearms dealers in an attempt to detect falsified Forms 4473.

We have seized 4,579 firearms in this region from July 1, 1970 through December 31, 1974. The firearms seizures in Illinois amount to 2,680. We are unable to report specific seizure figures in the Chicago metropolitan area. (Exhibit 10)

Utilizing our firearms tracing capabilities, we trace firearms for law enforcement agencies as requested.

Bureau Headquarters recently surveyed the licensed firearms dealers in this region to determine the instances of thefts from these dealers. As a result of that study, we determined that we would not have the resources necessary to conduct investigations of all stolen firearms reported by dealers. (Exhibit 11)

There is a free flow of information between Regulatory and Criminal Enforcement and referrals made to us by Regulatory Enforcement Inspectors are evaluated and, where appropriate, investigated.

Our budget for the purchase of evidence and the payment of awards, totaled \$80,700 last fiscal year and \$86,000 for the current fiscal year. Thus far, we have not had sufficient funds in this area. (Exhibit 12)

We are supported in Criminal Enforcement by two computer systems—Treasury Enforcement Communications System (TECS) and Management Information System (MIS).

TECS provides us and other Treasury agencies with a central index capacity. The system is not solely for the use of ATF and, therefore, its application is limited.

MIS depends on computers controlled by the Internal Revenue Service and provides us with statistics needed for management purposes. We are unable to use their system for additional statistical retrieval purposes.

## EXHIBIT I

### ATF MIDWEST REGION STAFFING

Total Number of Special Agents Assigned in Midwest Region at the Beginning of January:

1968	68	1972	179
1969	91	1973	178
1970	135	1974	165
1971	140	1975	167
CHICAGO		ST. LOUIS	
1968	30	1968	22
1969	36	1969	32
1970	56	1970	53
1971	57	1971	60
1972	57	1972	76
1973	50	1973	40
1974	43	1974	40
1975	43	1975	39
ST. PAUL		KANSAS CITY	
1968	16	Became district office 1/1/73.	
1969	23	1973	42
1970	21	1974	39
1971	23	1975	44
1972	46		
1973	46		
1974	43		
1975	41		

## OTHER ENFORCEMENT AGENCIES STAFFING IN CHICAGO, ILLINOIS, AS OF APRIL 1, 1975

FBI—361 Agents assigned to the greater Chicago area.

Chicago Police Dept.—13,500.

*Regional office—Assistant regional director (criminal enforcement)*  
*3 regional analysts*

Chicago district, Total special agents-----	43
Chicago POD-----	34
Peoria POD-----	2
Rock Island POD-----	3
Springfield, IL POD-----	4
St. Louis district, Total special agents-----	39
St. Louis POD-----	35
Cape Girardcau POD-----	4
St. Paul district, Total special agents-----	41
St. Paul POD-----	14
Fargo POD-----	2
Madison POD-----	4
Milwaukee POD-----	11
Minneapolis POD-----	8
Rapid City POD-----	1
Sioux Falls POD-----	1
Kansas City district, Total special agents-----	44
Kansas City POD-----	23
Cedar Rapids POD-----	1
Des Moines POD-----	3
Omaha POD-----	9
Springfield, MO POD-----	4
Wlchita POD-----	4

*Chicago district office, post of duty*

<i>County</i>	<i>Judicial district</i>	<i>County</i>	<i>Judicial district</i>
1. Boone-----	Northern.	8. Grundy-----	Northern.
2. De Kalb-----	Do.	9. Will-----	Do.
3. Lake-----	Do.	10. Kendall-----	Do.
4. McHenry-----	Do.	11. La Salle-----	Do.
5. Ogle-----	Do.	12. Kankakee-----	Eastern.
6. Winnebago-----	Do.	13. Cook-----	Northern.
7. Du Page-----	Do.	14. Kane-----	Do.

*Peoria field office, area of responsibility*

<i>County</i>	<i>Judicial district</i>	<i>County</i>	<i>Judicial district</i>
1. Adams-----	Southern.	9. McDonough-----	Southern.
2. Ford-----	Eastern.	10. McLean-----	Do.
3. Fulton-----	Southern.	11. Peoria-----	Do.
4. Hancock-----	Do.	12. Putnam-----	Do.
5. Iroquois-----	Eastern.	13. Stark-----	Do.
6. Livingston-----	Southern.	14. Tazewell-----	Do.
7. Marshall-----	Do.	15. Woodford-----	Do.
8. Mason-----	Do.		

*Rock Island field office, area of responsibility*

<i>County</i>	<i>Judicial district</i>	<i>County</i>	<i>Judicial district</i>
1. Bureau -----	Southern.	8. Lee -----	Northern.
2. Carroll -----	Northern.	9. Stephenson -----	Do.
3. Henderson -----	Southern.	10. Rock Island -----	Southern.
4. Henry -----	Do.	11. Warren -----	Do.
5. Jo Daviess -----	Northern.	12. Whiteside -----	Northern.
6. Knox -----	Southern.	13. Scott Co., Iowa -----	Southern
7. Mercer -----	Do.		District of Iowa.

*Springfield field office, area of responsibility*

<i>County</i>	<i>Judicial district</i>	<i>County</i>	<i>Judicial district</i>
1. Brown -----	Southern.	11. Menard -----	Southern.
2. Cass -----	Do.	12. Montgomery -----	Do.
3. Champaign -----	Eastern.	13. Morgan -----	Do.
4. Christian -----	Southern.	14. Patt -----	Eastern.
5. De Witt -----	Do.	15. Pike -----	Southern.
6. Greene -----	Do.	16. Sangamon -----	Do.
7. Jersey -----	Do.	17. Schuyler -----	Do.
8. Logan -----	Do.	18. Scott -----	Do.
9. Macon -----	Do.	19. Vermilion -----	Eastern.
10. Maconpin -----	Do.		

## TERRITORIAL ASSIGNMENTS—ST. LOUIS DISTRICT ATF

Metro-east group (John G. Durako) : Illinois—Bond, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Hamilton, Jasper, Jefferson, Lawrence, Madison, Marion, Monroe, Moultrie, Perry, Randolph, Richland, St. Clair, Shelby, Wabash, Washington, Wayne, White.

Metro-south group (Daniel J. Pfeifer) : Missouri—Crawford, Dent, Franklin, Gasconade, Jefferson, Maries, Phelps, St. Francois, St. Genevieve, Washington, city of St. Louis,<sup>1</sup> St. Louis County.

Metro-north group (Sidney R. Anderson) : Missouri—Adair, Audrain, Chariton, Clark, Knox, Lewis, Lincoln, Linn, Macon, Marion, Monroe, Montgomery, Pike, Ralls, Randolph, St. Charles, Schuyler, Shelby, Warren, city of St. Louis,<sup>1</sup> St. Louis County,<sup>1</sup> Scotland.

Cape Girardeau, Mo. Post of Duty (Joseph A. Patterson) :

Illinois—Alexander, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Saline, Union, Williamson.

Missouri—Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, Shanoun, Stoddard, Wayne.

## MINNESOTA

The state of Minnesota will be serviced by four posts of duty with each office responsible for the following counties :

Minneapolis Post of Duty :

Beltrami, Benton, Big Stone, Blue Earth, Brown, Carver, Cass, Chippewa, Cottonwood, Crow Wing, Douglas, Faribault, Freeborn, Grant, Hennepin.

Hubbard, Jackson, Kandiyohi, Lac qui Parle, Lake of the Woods, Le Sueur, Martin, McLeod, Meeker, Morrison, Nicollet, Pope, Redwood, Renville, Rice.

Scott, Sherburne, Sibley, Stearns, Steele, Stevens, Swift, Todd, Traverse, Wadena, Waseca, Watonwan, Wright, Yellow Medicine.

Fargo, North Dakota Post of Duty :

Becker, Clay, Clearwater, Kittson, Mahanomen, Marshall, Norman, Otter-tail, Pennington, Polk, Red Lake, Roscan, Wilkin.

St. Paul Post of Duty :

Aitkin, Anoka, Carlton, Chisago, Cook, Dakota, Dodge, Fillmore, Goodhue, Houston, Isanti, Itasea, Kanabec, Koochiching, Lake, Mille Lacs, Mower, Olmsted, Pine, Ramsey, St. Louis, Wabasha, Washington, Winona.

<sup>1</sup> Divided between metro-south and metro-north groups.

**Sioux Falls, South Dakota Post of Duty :**

Lincoln, Lyon, Murray, Nobles, Pipestone, Rock.

**Fargo, North Dakota Post of Duty :****North Dakota**

Adams, Barnes, Benson, Billings, Bottineau, Bowman, Burke, Burielgh, Cass, Cavalier, Dickey, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grand Forks, Grant, Griggs, Hettinger, Kldder, La Moure, Logan, McIntosh, McKenzie.

McLean, Mercer, Morton, Monntrall, Nelson, Oliver, Pembina, Pierce, Ramsey, Ransom, Renville, Richland, Rolette, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Towner, Traill, Walsh, Ward, Wells, Williams.

**Minnesota**

Becker, Clay, Clearwater, Kittson, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Red Lake, Roscau, Wilkin.

**Rapid City, South Dakota Post of Duty :****South Dakota**

Bennett, Butte, Corson, Custer, Dewey, Fall River, Gregory, Haakon, Harding, Jackson, Jones, Lawrence, Lyman, Meade, Mellette, Pennington, Perkins, Shannon, Stanley, Todd, Tripp, Washabaugh, Ziebach.

**Sioux Falls, South Dakota Post of Duty :**

Aurora, Beadle, Bon Homme, Brookings, Brown, Brule, Buffalo, Campbell, Charles Mix, Clark, Clay, Codington, Davison, Day, Deuel, Douglas, Edmunds, Faulk, Grant, Hamlin, Hand, Hanson.

Hughes, Hutchinson, Hyde, Jerauld, Kingsbury, Lake, Lincoln, Marshall, McCook, McPherson, Miner, Minnehaha, Moody, Potter, Roberts, Sanborn, Spink, Sully, Turner, Union, Walworth, Yankton.

**Minnesota**

Lincoln, Lyon, Murray, Nobles, Pipestone, Rock.

With the closing of the Eau Claire and Green Bay offices, the state of Wisconsin will now be served by three posts of duty with each office responsible for the following counties :

**St. Paul Post of Duty :**

Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Iron, Lincoln, Marathon, Oneida, Pepin, Pierce, Polk, Portage, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, Vilas, Washburn, Wood.

**Madison Post of Duty :**

Adams, Columbia, Crawford, Dane, Grant, Green, Iowa, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Monroe, Richland, Rock, Sauk, Vernon.

**Milwaukee Post of Duty :**

Brown, Calumet, Dodge, Door, Florence, Fond du Lac, Forest, Green Lake, Kenosha, Kewaunee, Langlade, Manitowoc, Marinette, Marquette, Menominee, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago.

DAVID R. CONKLIN,  
*Acting Special Agent in Charge.*

JANUARY 6, 1975.

Memorandum to : Assistant Regional Director, Chicago, Ill.

From : Special Agent in Charge, Kansas City, Mo.

Subject : Geographic areas and manpower assignments.

Reorganization of geographic areas by Posts of Duty in the Kansas City District is necessitated by the acquisition of the state of Kansas, the closing of the Joplin, Missouri post of duty, and our current manpower.

The following is a breakdown of personnel and areas :

Kansas City, Missouri has nineteen men divided into two groups. They are designated Kansas City East Group and Kansas City West Group. Both groups share responsibility jointly in the coverage of the immediate metropolitan area. The two groups are :

## KANSAS CITY WEST GROUP

Cone, Rufus E. (Group Supervisor)	GS-13
Hinds, Robert E.	GS-12
Kelly, James	GS-11
Neiman, David	GS-11
Walker, Virgil	GS-11
Purciarele, Donald	GS-11
Lee, Alfred	GS-11
Kelly, James	GS-11
Cannia, James	GS-9
Wurm, Gary	GS-5

## KANSAS CITY EAST GROUP

Lunders, Terry (Group Supervisor)	GS-12
Nichols, Duane	GS-12
Ballas, Jack	GS-12
Knopp, Delbert	GS-11
Randol, Ronald	GS-11
Manske, Robert	GS-11
Kuehans, Jon	GS-11
Malooly, John	GS-5
Moore, James (ATF Strike Force Coordinator)	GS-13

The geographic areas assigned to :

## METROPOLITAN AREA

## Missouri counties :

Jackson  
Cass  
Clay  
Platte

## Kansas counties :

Johnson  
Wyandotte  
Leavenworth

Both groups are responsible for work assignments in the above seven counties. The area is open in that the two groups are expected to initiate investigations and develop cases in this area while coordinating their efforts with each other. Each group is to lend mutual support of the efforts of the other and generate a free exchange of information and intelligence regarding suspects, subjects and investigations in progress.

## ADDITIONAL AREAS FOR KANSAS CITY GROUPS

## KANSAS CITY EAST GROUP

## Missouri counties

Andrew	Calloway	Harrison	Monteau
Bates	Clinton	Henry	Morgan
Benton	Cole	Howard	Pettis
Boone	Cooper	Johnson	Putnam
Buchanan	Davies	Lafayette	Ray
Caldwell	De Kalb	Livingston	Saline
Carroll	Grundy	Mercer	Sullivan

## KANSAS CITY WEST GROUP

## Kansas counties

Anderson	Douglas	Nemaha
Atchison	Franklin	Osage
Brown	Geary	Pottawatomie
Clay	Jackson	Riley
Coffey	Jefferson	Shawnee
Dickinson	Lincoln	Wabaunsee
Doniphan	Marshall	Washington
	Miami	



## SPRINGFIELD, MISSOURI POST OF DUTY

## Personnel:

Krone, William, Resident Agent in Charge	GS-12
Wilson, Joseph	GS-11
Copeland, James	GS-11
Vandenberg, Lee	GS-11

## GEOGRAPHIC AREA

## Missouri counties

Barry	Douglas	McDonald	St. Clair
Barton	Greene	Miller	Stone
Camden	Hickory	Newton	Taney
Cedar	Howell	Oregon	Texas
Christian	Jasper	Ozark	Vernon
Dade	Laclede	Polk	Webster
Dallas	Lawrence	Pulaski	Wright

## OMAHA, NEBRASKA POST OF DUTY

## Personnel

Thomas, Dwight (Group Supervisor)	GS-13
Curd, Richard	GS-12
Dalglish, Joseph	GS-12
Sledge, Thomas	GS-12
Daley, John	GS-11
Casper, Edward	GS-11
Strohbehn, Barry	GS-11
Stumpenhaus, Bob	GS-7
Wilbur, Robert	GS-9

## GEOGRAPHIC AREA

All of the state of Nebraska, 93 counties, plus

## Missouri counties:

Atchison  
Gentry  
Holt  
Nodaway  
Worth

## Iowa counties:

Cass  
Cherokee  
Crawford  
Fremont  
Harrison  
Ida

## DES MOINES, IOWA POST OF DUTY

## Personnel

Crozler, Edward	GS-11
Owen, John	GS-11
Blake, Ronald	GS-11

## GEOGRAPHIC AREA

## Iowa counties

Adams	Des Moines	Keokuk	Sac
Appanoose	Dickinson	Kossuth	Story
Audubon	Emmet	Lee	Tama
Adair	Floyd	Lucas	Taylor
Boone	Franklin	Mahaska	Union
Buena Vista	Greene	Madison	Van Buren
Butler	Grundy	Marion	Wapello
Clay	Guthrie	Marshall	Warren
Cerro Gordo	Hamilton	Mitchell	Washington
Calhoun	Hancock	Monroe	Wayne
Carroll	Hardin	Palo Alto	Webster
Clarke	Henry	Pocahontas	Winnebago
Davis	Humboldt	Polk	Worth
Dallas	Jasper	Poweshiek	Wright
Decatur	Jefferson	Ringgold	

## CEDAR RAPIDS, IOWA POST OF DUTY

## Personnel

Owens, Jack

## GEOGRAPHIC AREA

## Iowa counties

Allamakee	Clinton	Jackson
Benton	Clayton	Johnson
Black Hawk	Delaware	Jones
Bremer	Dubuque	Linn
Buchanan	Fayette	Lonisa
Cedar	Howard	Muscatine
Chickasaw	Iowa	Winnesheik

## WICHITA, KANSAS POST OF DUTY

## Personnel

Oitker, Gene (Resident Agent in Charge)	GS-12
Gammage, Michael	GS-11
Reints, William	GS-11
Workman, John	GS-11

## GEOGRAPHIC AREA

## Kansas counties

Allen	Ford	Lyon	Rush
Barber	Grant	Marion	Russell
Barton	Gray	McPherson	Saffine
Bourbon	Gove	Meade	Scott
Butler	Graham	Mitchell	Sedgwick
Chase	Greeley	Montgomery	Seward
Chautauqua	Greenwood	Morris	Sheridan
Cherokee	Hamilton	Morton	Sherman
Cheyenne	Harper	Neosho	Smith
Clark	Harvey	Ness	Stafford
Cloud	Haskell	Osborne	Stanton
Comanche	Hodgeman	Norton	Stevens
Cowley	Jewell	Ottawa	Sumner
Crawford	Kearney	Pawnee	Thomas
Decatur	Kingman	Phillips	Trego
Edwards	Kiowa	Pratt	Wallace
Elk	Labette	Rawlins	Wichita
Ellis	Lane	Reno	Wilson
Ellsworth	Lincoln	Republic	Woodson
Finney	Logan	Rooks	

## CLERICAL PERSONNEL AND THEIR ASSIGNED LOCATIONS

Kathy Shepek, GS-6, SAC Secretary/Receptionist, Kansas City, Mo.  
 Linda Brantner, GS-4, ASAC Secretary, Kansas City, Mo.  
 Susan Hall, GS-4, Analyst Secretary, Kansas City, Mo.  
 Pam Matrox, GS-4, Kansas City West Group Secretary/Clerk/Typist, Kansas City, Mo.  
 Bonnie Miller, GS-4, Kansas City East Group Secretary/Clerk/Typist, Kansas City, Mo.  
 Diana Nicholas, GS-4, Secretary/Clerk/Typist, Springfield, Mo.  
 Pam Bonar, GS-4, Secretary/Clerk/Typist, Omaha, Nebraska.

CHARLES R. HARVEY, *Special Agent in Charge.*

**MAN-DAYS AND PERCENTAGE OF TIME EXPENDED ON VARIOUS FIREARMS ENFORCEMENT PROGRAMS IN THE  
MIDWEST REGION, JULY 1, 1970 THROUGH DEC. 31, 1974**

	Man-days	Percent
<b>Fiscal year 1971:</b>		
Firearms application investigations.....	352	1.0
T-I criminal investigations.....	16,291	37.0
T-II criminal investigations.....	8,426	19.0
T-VII criminal investigations.....	4,880	11.0
<b>Fiscal year 1972:</b>		
Firearms application investigations.....	1,292	3.0
T-I criminal investigations.....	21,584	41.0
T-II criminal investigations.....	10,227	19.0
T-VII criminal investigations.....	6,063	12.0
<b>Fiscal year 1973:</b>		
Firearms application investigations.....	717	2.0
T-I criminal investigations.....	22,620	46.0
T-II criminal investigations.....	8,931	18.0
T-VII criminal investigations.....	4,889	10.0
<b>Fiscal year 1974 firearms application investigations assigned to regulatory enforcement as of Aug. 1, 1973:</b>		
T-I criminal investigations.....	25,829	57.0
T-II criminal investigations.....	7,519	17.0
T-VII criminal investigations.....	6,037	14.0
<b>Fiscal year 1975 (period July 1, 1974, through Dec. 31, 1974):</b>		
T-I criminal investigations.....	3,125	13.0
T-II criminal investigations.....	650	2.7
T-VII criminal investigations.....	453	1.8

The figures shown for Fiscal Year 1975 show a decided decline from the previous years in time spent on firearms investigations. This is caused by a new reporting system (MIS) which began in July, 1974. The new system gives a more detailed report on time application. Prior to July 1, 1974, travel time, report writing, etc., spent on firearms investigations were charged directly to the firearms category (T-I, T-II, T-VII), whereas under the MIS System the report writing, travel time, etc., are separated from investigatory time.

**BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS—CRIMINAL INVESTIGATIONS COMPLETED, REPORT NO. 4  
2D QUARTER, FISCAL YEAR 1975—Continued**

[Rows=types of criminal investigations; columns=Investigations by district office, midwest region]

	Chicago		Kansas City		St. Louis		St. Paul	
	Quarter	FYTD	Quarter	FYTD	Quarter	FYTD	Quarter	FYTD
<b>VIOLATIONS FIREARMS (T-I)</b>								
Firearms, prelim.....	4	54	23	55	1	5	30	94
Licensing.....	3	17		3	5	13		
Licenses:								
Interstate violations.....	1	1		1				
Dist. to felons.....		1						
Dist. to other pro. categories.....						1		
Other dist.....								
Records.....				1	1	4		
False statements.....		1						
Nonlicenses:								
Interstate transp. dest device.....		1	1	5				
Other interstate.....	1	7	2	16	10	13	2	4
Felon—false 4473.....	3	13	5	13	2	6	4	15
Other—false 4473.....				2		2	2	2

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS—CRIMINAL INVESTIGATIONS COMPLETED, REPORT NO. 4,  
2D QUARTER, FISCAL YEAR 1975—Continued

[Rows = types of criminal investigations; columns = investigations by district office, midwest region]

Other false statements.....				1				
Importation.....			1	1				
Other.....	1	5	2	9	8	11		7
Total violations firearms (T-I).....	13	100	34	107	27	55	38	122

VIOLATIONS FIREARMS (T-II)

Special tax:								
Possession unregistered.....	3	25	10	31	20	51	3	15
Other possession.....		2		2			1	1
Transfer.....	2	2		4		3		2
—akung.....			1	1		2	1	2
—ter—dent.....								
Transport.....	1	1						
False statements.....			1	1				1
Total violations firearms (T-II).....	6	30	12	39	20	56	5	21

VIOLATIONS FIREARMS (T-VII)

Possible felons.....	2	3	7	20	14	30	1	8
Possible others.....			1	1		2		1
Total violations, firearms (T-VII).....	2	3	8	21	14	32	1	9

VIOLATIONS EXPLOSIVE (T-XI)

Explosives prelim.....		2	4	11		1	3	15
Licensing.....								
Licensees: Interstate violation.....								
False statement expl. trans.:								
Distribute to felons.....								
Distribute to other pro categories.....								
Other distribute.....								
Interstate violations—felon.....								
Interstate violations, other proscribed category.....								
Interstate violators.....					1	1		
Records.....								
False statements, others.....		2			1	2		1
Storage.....		4		2	6	6		
Unlimited use.....	4	4		2				
Bomb threat.....				3	2	2		1
Other.....			1					
Total.....	4	8	5	19	10	12	3	17

Illicit liquor—prelim.....	1	1	2	3				3
Illicit liquor—mfg.....			2	2		1		
Illicit liquor—transp.....		1						
Illicit liquor—possess.....				1				
FAA.....						1		
Raw material.....		1	3	4				
R.L.D.....		1						
Total, alcohol.....	1	4	7	10		2		3

Assault Federal officer.....								
Attempted bribery.....								
Jury tampering.....								
Tobacco.....								
Conspiracy.....				4	1	5		2

Total other crime.....				4	1	5		2
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**3380 SPECIAL ENFORCEMENT PROGRAMS****3381 SIGNIFICANT CRIMINAL ENFORCEMENT PROGRAM—ARMED AND DANGEROUS****3381.1 INTRODUCTION****3381.11 PURPOSE**

The purpose of this section is to provide instruction and procedure for establishing and implementing a uniform nationwide program for enforcement of the Federal firearms and explosives laws by the Bureau of Alcohol, Tobacco, and Firearms known as the Significant Criminal Enforcement Program—Armed and Dangerous.

**3381.12 POLICY GUIDELINES**

1. This Program outlines the philosophy underlying the discharge of Federal firearms and explosives control responsibilities by the Bureau of Alcohol, Tobacco, and Firearms as mandated by the Secretary of the Treasury. It is consistent also with the concept expressed by the National Advisory Commission on Criminal Justice Standards and Goals, that "Federal Laws, if utilized, present a sound legislative base for control of handguns." It adheres to the legislative policy expressed by the Congress of the United States in the following excerpt from the Gun Control Act of 1968: "No provision of this chapter shall be construed as indicating an intent on the part of Congress to occupy the field in which such provision operates to the exclusion of the law of a State on the same subject matter. . . ."

Finally, it adheres to the legislation policy expressed by the Congress in the following excerpt from Title XI of the Organized Crime Control Act of 1970: "To protect interstate and foreign commerce against interference and interruption by reducing the hazard to persons and property arising from misuse and unsafe storage of explosive materials."

2. The Bureau's Significant Criminal Enforcement Program—Armed and Dangerous has two major goals. The first is to investigate those significant violations in which there is a paramount federal prosecutive interest. The second is to assist state and local enforcement officials, as appropriate, in the enforcement of state and local firearms and explosives laws.

3. The licensing and recordkeeping provisions of the Gun Control Act of 1968 and the Organized Crime Control Act of 1970, assist state and local governments in several ways. The licensing system is designed to ensure that only bonafide dealers engage in the firearms and explosives business, thereby minimizing the sale to proscribed individuals in violation of state and local laws. The recordkeeping system and the attendant criminal sanctions are designed to reduce the unlawful acquisition of firearms and explosives. In addition, the records provide a means of tracing firearms and explosives that are unlawfully acquired or used in criminal offenses. Thus, it is essential that the Bureau ensure the integrity of the licensing and recordkeeping systems by means of a vigorous inspection and compliance program and through investigation of related criminal violations.

**3381.13 BACKGROUND**

1. The Bureau of Alcohol, Tobacco, and Firearms has primary responsibilities for the enforcement of the Federal firearms and certain portions of the Federal explosives laws.

2. Bureau policy is the basis for this Program which has been designed to commit the Bureau's expertise, manpower and resources into a concerted effort towards minimizing the armed and dangerous significant criminal as a threat to the public safety.

3. Bureau policy, Program criteria and priorities will be applied to all firearms and explosives investigations in order to achieve a uniform nationwide enforcement stance.

4. As provided herein, all similar local enforcement projects will be phased into the Significant Criminal Enforcement Program Armed and Dangerous. (i.e.: ACTION, SAFE, TRAVELING CRIMINALS, etc.)

5. This program is not intended to conflict with concurrent intelligence objectives and instructions involving Organized Crime, OMEGA, Guns to Mexico, Firearms, Theft, Terrorists, or any other similar project.

6. Existing or subsequently authorized special enforcement projects involving sensitive situations of national or international significance will be conducted in accordance with special instructions contained in Section 3250, Criminal Enforcement Manual.

### 3381.2 PROGRAM OBJECTIVES

1. The principal objectives of the Program are:

a. To provide guidelines for a uniform nationwide program for enforcement of the firearms and explosives laws by the Bureau of Alcohol, Tobacco, and Firearms.

b. To specifically identify all significant criminals actively engaged in willful violations of the firearms and explosives laws.

c. To concert Bureau efforts towards the apprehension of armed and dangerous significant criminals.

d. To determine the scope of the significant criminal activity in each area, district, state, region and nationally and to provide procedures for measuring Bureau efforts in minimizing the threat to the public safety.

e. To provide assistance to state and local law enforcement officials, as appropriate, in the enforcement of state/local firearms and explosives laws.

### 3381.3 DEFINITIONS AND CRITERIA

1. A significant criminal—armed and dangerous is an individual identified by the Bureau, as unlawfully acquiring, possessing, transporting or otherwise using or dealing in firearms, explosives or destructive devices and currently and actively engaged in felonious criminal activity which presents a serious threat to the public safety.

2. Identification as a significant criminal—armed and dangerous requires each of the following criteria:

a. Currently and actively engaged in felonious criminal violations of Federal firearms and/or explosives laws while concurrently engaged in other felonious criminal violations which present a serious threat to the public safety.

b. Considered a serious threat to the public safety as determined by being in one or more of the following categories:

(1) *Felon*.—convicted of a crime of violence, (murder, kidnapping, rape, armed robbery, felonious assault, arson, firearms/explosives violations, etc.)

(2) *Felon*.—convicted of a crime with high potential towards violence. (robbery, burglary, extortion, hijacking, narcotics, firearms/explosives violations, etc.)

(3) *Felon or nonfelon active criminal*.—with high potential towards crimes of violence, as documented by specific current and reliable intelligence data. (contract killer, organized crime member, terrorist, fence of stolen firearms/explosives, same as subparagraph (1) and (2) above.)

(4) *Firearms explosives licensee*.—currently and actively engaged in felonious willful violations.

### EXHIBIT 5

#### SIGNIFICANT CRIMINALS AS OF MARCH 21, 1975

	Number being investigated	Apprehended	Not apprehended— recommended for prosecution
Kansas City .....	14	20	4
St. Louis .....	4	4	6
St. Paul .....	17	4	4
Chicago .....	21	1	4
Total .....	56	29	18

## EXHIBIT 6

## REFERRALS TO STATE AND LOCAL LAW ENFORCEMENT (STATES ASSISTANCE)

Date	Chicago	Kansas City	St. Louis	St. Paul
March 1973.....	4	9	6	0
April 1973.....	2	12	6	0
May 1973.....	220 (206)	4	16	6
June 1973.....	204 (194)	0	7	0
July 1973.....	998 (979)	1	5	11
August 1973.....	663 (642)	7	5	8
September 1973.....	644 (611)	9	4	3
October 1973.....	289 (280)	7	6	4
November 1973.....	495 (492)	13	6	2
December 1973.....	441 (437)	7	1	4
Total.....	3,960 (3,841)	69	62	38
January 1974.....	631 (628)	4	4	0
February 1974.....	1,116 (1,111)	5	3	1
March 1974.....	188 (187)	6	10	6
April 1974.....	176 (168)	3	11	4
May 1974.....	269 (268)	4	4	3
June 1974.....	125 (121)	5	3	6
July 1974.....	218 (213)	4	2	5
August 1974.....	115 (113)	1	1	4
September 1974.....	5	1	1	5
October 1974.....	4	1	2	1
November 1974.....	31	3	3	0
December 1974.....	7	0	3	2
January 1975.....	15	4	3	3
February 1975.....	3	1	3	3
Total.....	2,903 (2,809)	42	53	43

*Referrals to State and local law enforcement**(States assistance)*

## Grand totals for 1973 and 1974:

Chicago.....	6863 (6650)
Kansas City.....	111
St. Louis.....	115
St. Paul.....	81

## Regional totals:

Mar. 1973-Dec. 1973.....	4129 (3841)
Jan. 1974-Feb. 1975.....	3041 (2809)

## Grand total—Region: Mar. 1973–Feb. 1975..... 7170 (6650)

NOTE.—Reduction in referrals is noted under Chicago District during the period of September 1974 thru February 1975. The reason for this reduction is that agents discontinued canvassing certain suburban licensed dealers because resulting cases were of a relatively minor value. During visits to dealers premises, prior to September 1974, agents in addition to developing cases, obtained information regarding sales of firearms to Chicago residents. These sales of firearms were reported as referrals to the Chicago Police Department because of the local registration requirements. Such referrals were made to Sgt. Anthony Figlioli, Gun Registration Section, City Hall.

Statistics under Chicago District in parenthesis represent the above described referrals made to Sgt. Figlioli.

## L.E.A.A. SCHOOLS FOR STATE AND LOCAL ENFORCEMENT REGION CALENDAR YEAR 1974

Date of training	Instructors	Place
Apr. 8-19, 1974.....	Owight Thomas (Apr. 12 to 18) 25 hrs.....	Honolulu, Hawaii.
May 6-10, 1974.....	Ken Swanson, et al.....	St. Paul Police Department.
June 3-14, 1974.....	Our agents (mostly).....	Minneapolis, Minn.
July 8-19, 1974.....	Jack Ballas, et al.....	Meridian, Conn.
Aug. 5-16, 1974.....	John O'Toole; Jack Ballas, Ken Swanson et al.....	Plattsburg, N.Y.
Sept. 9-13, 1974.....	Jack Ballas; Oale Wiggins, et al; John O'Toole.....	Des Moines, Iowa Regional Police Academy.
Sept. 16-20, 1974.....	do.....	Id.
Nov. 4-15, 1974.....	John O'Toole; Owight Thomas; Ken Swanson; Ron Blake; Oale Wiggins; John Liedtke; Jack Ballas; Jack Lee.	Minneapolis, Minn. Police Department.
Nov. 11-15, 1974.....	Midwest Region Instructors.....	Kearney Police Department, Kearney, Nebr.
Nov. 18-22, 1974.....	John O'Toole; Joe Slater; Dennis Born.....	Regional Police Academy, Des Moines Iowa.

## TYPE OF INSTRUCTION FOR L.E.A.A. SCHOOLS

Bomb Scene Search Investigations, Handling Destructive Devices and Explosives Field Exercise, Rules of Evidence, Search & Seizure, Investigative Techniques, Interviews and Interrogation, Theory of Explosives, and Collection and Preservation of Evidence.



MIDWEST REGION  
CALENDAR YEAR 1974, TRAINING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS

Date	Chicago			Kansas City			St. Louis			St. Paul		
	Officers	Hours	Departments	Officers	Hours	Departments	Officers	Hours	Departments	Officers	Hours	Departments
1974	70	70	2	114	173	12	98	117	37	230	998	4
1974	70	120	1	60	120	10	219	258	14	127	237	4
1974	70	175	2	52	117	6	170	280	12	318	638	4
1974	40	60	2	141	269	47	400	530	12	160	262	6
1974				91	458	56	221	422	10	370	920	6
1974	70	70	1				107	1,249	12	79	150 1/4	3
1974				81	122	20				175	468	3
1974				101	281	8	43	96	12			
1974	165	795	3	110	212 1/4	4	54	108	13	40	100	1
1974										355	943	6
1974				163	803	49	155	210	2	100	238	3
1974	75	115	2							39	148	2
1974	90	239	60	8	8	2	70	220	2			
Total	650	1,644	73	921	2,563	214	1,537	3,490	126	2,002	5,102	44

## Regional total for calendar year 1974:

Total officers trained-----	5, 110
Total hours participation-----	12, 799
Total number of departments represented-----	457

Subjects taught: Gun Control Act of 1968, Explosives Control Act of 1970, Bomb Scene Search Investigations, ATF Responsibilities, and ATF Laboratory Capabilities.

## FIREARMS CASES IN THE MIDWEST REGION—JULY 1, 1970 THROUGH FEB. 28, 1975

Date	Illinois	Iowa	Minnesota	Missouri	Nebraska	North Dakota	South Dakota	Wisconsin	Kansas	Total
July 1, 1970 to June 30, 1971.....	129	14	30	124	13	3	8	27	---	348
July 1, 1971 to June 30, 1972.....	157	23	50	148	11	1	7	34	---	431
July 1, 1972 to June 30, 1973.....	177	20	38	98	20	2	6	38	---	399
July 1, 1973 to June 30, 1974.....	134	25	48	113	30	4	8	39	46	447
July 1, 1974 to Feb. 28, 1975.....	102	15	31	78	14	1	7	35	23	603
Total.....	699	97	197	561	88	11	36	173	69	1,931

Of the 102 firearms cases listed under Illinois for the 8-mo period, July 1, 1974 to Feb. 28, 1975, 85 were made in the northern judicial district of Illinois.

## FIREARMS SEIZED IN THE MIDWEST REGION—JULY 1, 1970, THROUGH DEC. 31, 1974

Date	Illinois	Iowa	Minnesota	Missouri	Nebraska	North Dakota	South Dakota	Wisconsin	Kansas	Total
July 1, 1970 to June 30, 1971.....	1,116	13	83	224	41	1	5	140	---	1,623
July 1, 1971 to June 30, 1972.....	1,435	8	47	175	5	0	1	27	---	1,698
July 1, 1972 to June 30, 1973.....	72	0	90	86	0	0	6	26	---	280
July 1, 1973 to June 30, 1974.....	4	21	41	119	2	1	2	18	542	750
July 1 to Dec. 31, 1974.....	53	59	28	33	3	0	1	48	3	228
Total.....	2,680	101	289	637	51	2	15	259	545	4,579

## DEALER THEFT SURVEY

## PURPOSE

In order to determine the extent of thefts from federal firearms licensees, Bureau Headquarters decided that a survey would be conducted among the dealers located in the Midwest Region. This Region would provide Headquarters with a 20% sample of all firearms licensees. The results could readily be projected nationwide and give ATF a reasonably accurate reading as to the scope of the dealer theft problem and whether ATF had the resources available to institute a dealer theft program on a nationwide basis.

On December 31, 1974, dealer theft survey forms were sent to 30,484 licensed dealers, asking for the following information:

During calendar year 1974:

1. Were any firearms stolen from your business?
2. On how many occasions were firearms stolen?
3. List by types, the number of firearms stolen:

----- Handguns -----	----- Rifles -----
----- Shotguns -----	----- Over/unders -----

4. Number of stolen firearms returned to you during 1974.

Headquarters requested the licensees to complete the pre-addressed, postage-free form and return it by January 15, 1975. A total of 23,709 forms were returned. They are categorized as follows:

No thefts, 21,885.

Out of business, 830.

One or more thefts, 994.

The fact that approximately 75% of the dealers responded to this request, is indicative of the seriousness with which the dealers view the problem of firearms thefts.

*Survey results*

The results of the survey were as follows:

Number of dealers reporting thefts.....	994
Total theft incidents.....	1,367
One-gun theft incidents (49%).....	655

## Total firearms stolen:

Handguns .....	2,426
Rifles .....	1,584
Shotguns .....	1,769
Over/unders .....	127
Other weapons.....	13

Total .....	5,919
Firearms recovered.....	1,290

## PROJECTION

The 23,000 dealers who responded to the questionnaire comprised approximately 15% of the 150,000 firearms licensees in the United States. Projecting the Midwest Regional figures nationwide, the results would be as follows:

Number of dealers reporting thefts.....	6,560
Total theft incidents.....	9,022
One-gun theft incidents (49%).....	4,420
Firearms stolen.....	39,054

Handguns .....	16,011
Rifles .....	10,454
Shotguns .....	11,675
Over/unders .....	838
Other weapons.....	76

Firearms recovered.....	8,514
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*Criminal enforcement agent cashier expenditures*

Fiscal year :

1973	-----	\$53,000
1974	-----	80,700
1975	-----	86,000

## SUMMARY OF CASES

ATF participated with the State of Minnesota Attorney General Office to perfect a firearms case against one of the major fences of stolen property in that state.

ATF co-operated with Minneapolis, Minnesota, Police in a homicide investigation by perfecting a firearms case against a suspect involved in several murders. As a result of our firearms case, new leads were developed relative to the murder investigation.

One of our informers provided us with information on a bank robbery which occurred in Minneapolis, Minnesota. This was turned over to the F.B.I., who successfully solved the case.

In St. Louis, Missouri, ATF, the St. Louis Police, and the U.S. Attorney have agreed to process selected Title II violators in federal court. This was necessitated because Missouri has no prohibitions on sawed-off shotguns. Last year the police referred 75 cases to ATF and we selected 28 for prosecution in federal court. The average sentence received was 4.2 years. A similar arrangement exists in Des Moines, Iowa.

A St. Louis, Missouri, ATF Agent infiltrated a large theft ring, who were involved in stealing merchandise from railroad box cars. The case necessitated joint co-operation with the Illinois Bureau of Investigation, Federal Bureau of Investigation, Missouri Highway Patrol, local police departments, and railroad police. A total of 28 persons were arrested in the 18 month investigation and most of the defendants have been sentenced for lengthy prison terms. It is estimated that this theft ring stole approximately 1.7 million dollars in merchandise. As a result of this investigation, the undercover Special Agent received the Secretary of the Treasury Award as the outstanding Treasury Enforcement Agent in 1973.

Kansas City, Missouri, Special Agents recovered 50 machine guns stolen from a National Guard Armory. This case was referred to the F.B.I.

A Kansas City, Missouri, Special Agent working undercover learned from a firearms violator, plans of an armed robbery in Dallas, Texas. We referred this information to the local police department and they successfully apprehended the criminal in the act.

Our efforts against unscrupulous licensed gun dealers has resulted in retarding the illicit flow of firearms into many communities. We seized 550 guns from a dealer in Bonner Springs, Kansas, and 100 guns from a dealer in Junction City, Kansas.

We conducted an undercover operation in Missouri which uncovered a 'murder for hire' ring, narcotics traffic, and illicit firearms traffic. We perfected 13 cases against firearms violators. The investigation was conducted with local authorities and Drug Enforcement Agency Special Agents.

*Arrests for firearms violations—midwest region*

(July 1, 1970 thru February 28, 1975)

July 1, 1970-June 30, 1971	-----	214
July 1, 1971-June 30, 1972	-----	289
July 1, 1972-June 30, 1973	-----	191
July 1, 1973-June 30, 1974	-----	362
July 1, 1974-Feb. 28, 1975	-----	203
Total	-----	1,259

*Arrests for firearms violations—State of Illinois*

(July 1, 1970 thru February 28, 1975)

July 1, 1970-June 30, 1971	82
July 1, 1971-June 30, 1972	154
July 1, 1972-June 30, 1973	88
July 1, 1973-June 30, 1974	155
July 1, 1974-Feb. 28, 1975	56
<b>Total</b>	<b>535</b>

*Arrests for firearms violations—Northern judicial district of Illinois*

July 1, 1974 thru February 28, 1975 (8 months)	44
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## NUMBER OF CASES, DEFENDANTS, PROSECUTIONS, AND DECLINATIONS

MIDWEST REGION, LISTED BY STATE, JULY 1, 1970 THROUGH FEB. 28, 1975

State	Number of cases recommended for prosecution	Number of defendants	Number of cases prosecuted	Number of cases declined
Illinois	699	957	305	311
Iowa	97	118	57	27
Kansas <sup>1</sup>	69	92	47	2
Minnesota	197	228	151	27
Missouri	561	738	322	191
Nebraska	88	126	52	15
North Dakota	11	16	9	1
South Dakota	36	46	20	11
Wisconsin	173	191	108	41
<b>Total</b>	<b>1,931</b>	<b>2,512</b>	<b>1,071</b>	<b>626</b>

<sup>1</sup> For period beginning July 1, 1973 when Kansas became part of our region.

## SUMMARY

55.5% of those firearms cases recommended to the U.S. Attorney were prosecuted.

32.4% of those firearms cases recommended to the U.S. Attorney were declined.

12.1% of those firearms cases recommended to the U.S. Attorney are pending.

Mr. CONYERS. Do any of you have any comments you would like to make at this time?

[No response.]

Mr. CONYERS. If not, I would just like to make this observation, and I appreciate your reactions.

It just seems to me from the process of learning about the Bureau of Alcohol, Tobacco, and Firearms, in consideration of the several major Federal pieces of legislation that you are charged with the enforcement of, that you have a literally hopeless task; that you are being swamped almost in all areas.

I don't know what the alcohol problem is like in terms of enforcement.

I really don't know what the tobacco problem is in terms of those kinds of shipments that are made to get into jurisdictions that are more favorable in terms of tax which would change the price of cigarettes, but it seems very clear to me that in terms of enforcing the Federal gun laws, you are totally overwhelmed and that, at the rate of 2½ million guns being introduced into our society across the country on a yearly basis, that you do only a fraction of a percentage of what ought to be going on, it seems to me, therefore, that what we

need to do is to develop a new set of laws which will actually close the loopholes that now exist and make legislation that will make your job more realistic and also add a number of people to your functions.

Is that an assessment that misses some critical part of your work?

Mr. DRAKE. You have made the comments, Mr. Chairman, about it being a hopeless task.

We don't visualize it as a hopeless task. We are overwhelmed, yes, we are overwhelmed, but we are working and we are not giving up hope.

Mr. CONYERS. I see, you are overwhelmed but you have not given up.

Mr. DRAKE. We are overwhelmed but we have not given up.

Mr. CONYERS. That is the spirit and I would urge that you do not, because I guess that is one of the reasons that we are here.

Now, couldn't we do with fewer dealers?

Mr. DRAKE. Yes, sir, I feel that we could.

Mr. CONYERS. We have heard testimony from the head of the dealers association, that only a fraction of them are really businessmen in the true entrepreneurial sense, so that might define your problem and the question of recordkeeping would then become a real one.

There is no way, with the handful of agents, that you can get around to all the gun shops to inspect their records.

Mr. DRAKE. Mr. Chairman, as you probably know, our ability to collect statistics is somewhat limited.

We are not a data processing organization, that is correct, and we have done some manual counts statistically.

The Chicago area office which, by the way, is a nine-county responsibility in regulatory enforcement, has 1,685 dealers within its limits; now, of those 845 are operating out of their residence.

The question arises: Is this really a business or are they engaging in the business when approximately half would be operating out of their residences.

The 31,918 dealers we have in the region, with respect to them, I think we could raise the same kind of a question.

Are they really engaged in the business for profit?

In conducting field investigations of applicants, we pursue this line of questioning with them, and we have had some success in the last 2 fiscal years of applicants voluntarily withdrawing their applications when they recognize what our objective is; that is the need for a taxpayer identification number, the need to establish perhaps a sales arrangement with someone else.

We are getting some success in keeping the nonbusiness dealer from engaging in or from obtaining a license.

Mr. CONYERS. Do you know Mr. Andrew Molchan?

Mr. DRAKE. Not personally, no, sir, I do not.

Mr. CONYERS. Do any of you?

Mr. PEERCE. I have met him, sir.

Mr. CONYERS. Well, I would like to turn our discussion, at this point, over to Mr. McClory.

Mr. MCCLORY. Well, thank you, Mr. Chairman.

I am very interested in looking at this chart that you have prepared and presented here this morning indicating each of the pins which has been inserted represents five federally licensed firearms dealers.

I seem to note that there are not too many, that those red pins are not too closely assembled in the city of Chicago but on the periphery, in the suburban area, particularly south of the city limits and northwest, and maybe one or two other areas, there is quite a cluster of firearms dealers.

Now, does the Chicago legislation, the Chicago ordinances relating to registration of firearms, do you think that tends to discourage the development of more firearms dealers in the city of Chicago?

Mr. DRAKE. Yes, sir, I believe it does.

The map you are looking at is somewhat distorted in the south part. The only way or the only ability we have to put those pins in was by ZIP code.

Quite frankly, the ZIP code in the south part extends below the map and that would distort it a little.

The overall observation is correct, and in the city of Chicago, there are proportionately a fewer number of dealers than in the suburbs.

We do believe it is because of the Chicago city law.

Mr. McCLORY. I am very interested in your statement that you are not an automated data processing operation at the present time, and I know that you have developed a gun identification bureau in your office in Washington in which you cooperate with local and State police officials who identify the last legitimate retail purchaser of a firearm which is used in connection with the commission of a crime.

Now, one of my questions is this: Do the Chicago police and do the police in this general area utilize that service that you are presently providing out of Washington?

Mr. DRAKE. To begin with, that one, Mr. McClory, even the Bureau tracing is not an automatic data processing arrangement.

Mr. McCLORY. No, I realize that.

Mr. DRAKE. That is correct, and perhaps Mr. Richardson can answer it.

Mr. RICHARDSON. We receive requests from State and local officers to trace firearms.

The request, specifically in regard to Chicago, let me just say with respect to those requests, we have traced guns for the officers here. It has not been on an extremely high volume, and also for the Cook County Sheriff's Department.

We are limited in this function by what we can do. We can handle only so many tracers.

Programs that have been undertaken by the Bureau have restricted the number of firearms that they have retraced—that have been traced solely because of their capacity to trace.

Mr. McCLORY. Do you have any experience as to the use of that operation insofar as the apprehension of criminals or its information being useful in connection with prosecutions is concerned?

Mr. RICHARDSON. Yes, sir, there have been cases made where the trace has been made extremely quickly and it has been very, very helpful.

Mr. McCLORY. Well, now the representation is made, for instance, with regard to handgun registration laws that somehow this would provide information not presently available to the Federal Government and that in Nazi Germany, when the location of handguns was ascertained, that then it was easy for the government to pick up the handguns.



Now, as a matter of fact, all of the information with regard to the manufacture and the distribution of handguns, is required to be kept under the existing Federal law, and the identification of the purchasers.

Well, in the first place, the purchases by dealers, is required to be kept and then the purchases from dealers is required to be kept under Federal law by dealers, is it not?

Mr. RICHARDSON. Yes, it is.

Mr. McCLORY. So that the information, when you have a trace, or you seek the identification of the purchaser or owner of a handgun, which is used in connection with the commission of a crime, the information is presently available, is it not?

Mr. RICHARDSON. Yes, sir, you can go to the dealer.

Mr. McCLORY. The only—

Mr. RICHARDSON. Usually, in a trace, it can be carried to the last retail source.

Mr. McCLORY. Right.

Mr. RICHARDSON. From there the investigators have to follow through.

Mr. McCLORY. Now, this involves the mechanical operation, using the telephone or where you write a letter or you communicate in one way or another?

Mr. RICHARDSON. Yes.

Mr. McCLORY. Now, as I understand it, if we had a data processing operation, the information could be, well, almost immediately available, isn't that right?

Mr. RICHARDSON. If all these transactions were computerized, yes, sir, it would be.

Mr. McCLORY. So that instead of taking a week or two to find out who the last legitimate purchaser was of a gun that was used in connection with the commission of a crime, it would take a matter of seconds or minutes to get that information?

Mr. RICHARDSON. That is my understanding, sir.

Mr. McCLORY. Do we have some experience, too, that providing this information where we do make traces, that innocent individuals are—their interests are protected as a result of this information being disclosed.

Mr. RICHARDSON. Yes, sir. We trace guns on occasions, and you will find that the individual who purchased the gun—that the gun has been stolen from him.

Mr. McCLORY. Right.

Mr. RICHARDSON. Or he has sold it to another individual and you can continue this and not successfully trace the gun and it would be a sale made, and "I don't know who I sold it to," and this will terminate the trace at that point.

Mr. DRAKE. There is another recent example, I believe, in southern California, where, if I recall the circumstances correctly, there was a guard at a college who was killed. His car was stolen and subsequently located by police and a weapon was in the car.

We were able to trace the weapon to the last registered owner. It was a young man, who, I believe, subsequently left the area, and who now becomes a prime suspect in that slaying.

The ability to trace through a purchaser is advantageous to local law enforcement as well as to the State law enforcement.

Mr. McCLORY. Well, thank you very much, gentlemen.

Mr. CONYERS. I would like to turn the floor over to Mr. Ashbrook.

Mr. ASHBROOK. Thank you, Mr. Chairman.

First of all, Mr. Drake, for the record, I would like to get something straight. When Mr. Davis was before our committee in Washington, and he is the head man in your department, so I would assume that if it applied to him, it would apply to you also.

He indicated that because there are Treasury Department officials and other officials that dealt with legislation that he preferred not to make legislative recommendations or not to be questioned regarding shortcomings in the law and so forth.

Did I understand that those ground rules and those rules would be basically the position of you gentlemen inasmuch as you are in the enforcement area, and that you would just as leave not make legislative recommendations to this panel?

Mr. DRAKE. Yes, sir.

Mr. ASHBROOK. Fine. I was reasonably sure that that was the way the ground rules were, but I wanted to make that statement for the record.

Then I will go to Mr. Richardson. I was most struck by his statement regarding the 1931 firearms cases on the breakdown that is included on exhibit 15.

Within that breakdown, Mr. Richardson, do you have any indication of the type of violations—I guess what I am getting at is this. For the most part, would they be dealers, would they be criminals with guns, would they be stolen guns, would they be so-called law-abiding citizens who had not complied with the law?

Could you give us some general breakdown from your experience and if not in specific figures, just as to what those 2,000 firearms violations would be?

Mr. RICHARDSON. These violations would include title 1 violations, also title 2 violations, and title 7; all under the Gun Control Act.

Mr. ASHBROOK. Well, for the record and for those particularly who are listening, who do not know that, would you indicate what type of violations those are?

Mr. RICHARDSON. Title 1 violations would be violations for example, an unlicensed person selling firearms.

A title 2 violation would be a violation by possessing gangster type weapons, sawed-off shotguns, machineguns, weapons of this type.

A title 7 violation would be possession of firearms on the receipt of firearms by a convicted felon. It would be all inclusive.

Mr. ASHBROOK. Within those categories, do you have any general breakdown or recollection of how they were distributed in those classes?

Mr. RICHARDSON. I don't know that I have that information at hand, sir, but it could be provided for you, and I could break these out.

Mr. ASHBROOK. In your experience, would you have—I guess what I am getting at and was hoping that we could develop was the degree to which the violations would be in those areas that would relate to the so-called criminals, the criminal use, to the convicted felon as against the person who just might have a machinegun, when he is not really supposed to, but was not necessarily a gangster type.

Mr. RICHARDSON. The majority of the cases, I feel, I would be safe

to say, would be title 1 and title 2 violations and the smaller percentage would be title 7 violations.

Mr. ASHBROOK. I guess I might, in a way, violate my ground rules when I would ask a question that relates to some legislation, but would you feel free to comment on whether or not the frequency and the numbers of dealers is probably based generally on the legislation which allows so easily a dealer to become a dealer by basically just a \$10 fee.

I mean, does that, in any way, develop enough money, in your opinion, to take care of the administration in the field?

You have indicated, Mr. Drake, that there are many, many checks that—and I couldn't believe really when I saw all you do in the way of questions and all of the investigations while it is not supposed to be for profit or raise enough funds, do you have any indication at all of the cost of administration as against the receipts that come from the registration fees?

Mr. DRAKE. Yes, sir, we can estimate with 31,918 dealers at \$10 per license, somewhere in the area of \$320,000.

Mr. ASHBROOK. Right. And how would that relate to the cost of your administrative responsibilities generally in the same area?

Mr. DRAKE. If you will give me a moment, I do have something on that.

Our most recent estimate for an original application runs us about \$70 which does not include overhead costs, that is merely a direct cost for such things as office time per license, the cost of an FBI check, the cost of the forms; the publication No. 603 that we give every dealer runs around \$70 per licensing and that does not count overhead cost and does not count the leave time and does not count the travel time.

Mr. ASHBROOK. So as a part of the staggering burden which you and the chairman mentioned in your colloquy and that Mr. Conyers thought was almost hopeless and you looked upon it as a large challenge, that some of it would be in that particular area.

Mr. DRAKE. Yes.

Mr. ASHBROOK. And cutting down the number of dealers obviously would reduce some of that burden both in the sense of manpower and in the sense of the cost involved.

Mr. DRAKE. We have another figure.

Just to maintain the license we feel runs around \$35 to \$40 per year, just to maintain the licensee.

Mr. ASHBROOK. And for the record, there is no additional payment by the dealer after he pays his original \$10 fee, is there?

Mr. DRAKE. No, sir, every year there is a renewal.

Mr. ASHBROOK. There is a renewal?

Mr. DRAKE. Of \$10 again.

Mr. ASHBROOK. Thank you.

I have no further questions, Mr. Chairman.

Mr. CONYERS. I would like to recognize Counsel Maurice Barboza for several questions.

Mr. BARBOZA. Mr. Drake, one of the most important purposes in the study that the committee is now conducting is to determine the pattern of firearms distribution in the United States.

We have heard from Director Davis with respect to any problems that he had had in tracing that pattern.

Now, with respect to the city of Chicago, we know that it has a permit system, a registration system, and we know that there are very few dealers in the city of Chicago, as a result of those procedures. But that on the outskirts of the city of Chicago, there are some 2,000 within a 50- to 70-mile radius; dealers selling handguns.

Now, with respect to Mr. Ashbrook's inquiry, what are some of the reasons why an individual would apply for a dealer's license here in the State of Illinois.

Mr. DRAKE. Conducting field investigations of original applicants, we run across a number of reasons that they say they need the license or want a license for.

Some of them deal with the cost to purchase a weapon. Now, the dealer, if you are a dealer, there's a significant lesser cost involved in purchasing a weapon.

As an example, in one ad that was in a paper, it advertised a Colt detective special .38, and it was listed at \$140.

The regular price to a dealer was \$111.05, so you have a \$28.95 saving for a \$10 license fee.

We get other statements from applicants that they would like to have the license to impress their friends, and other statements to the effect that: "I may have some trouble and need supplemental income," or "I am getting out of the service soon, and I might need another type of job to tide me over."

The reasons are many and varied, Mr. Barboza.

Mr. BARBOZA. Mr. Drake, you are also aware then that the State of Illinois has a waiting period for long guns—72 hours for handguns, 24 hours for long guns.

Mr. DRAKE. Yes.

Mr. BARBOZA. And if I were a dealer, I wouldn't have to wait, would I?

I could just go to another dealer and buy a gun, and if I were a homeowner and I had my premises, I could just do that.

That is another incentive to get a dealer's license.

In the 1968 Gun Control Act, one of the purposes of that act was to restrict the sale of firearms to responsible individuals, because the sale of firearms then, would you say, is not really a right, but it is a privilege under the act, is it not?

Mr. DRAKE. I guess that would be a fair statement.

Mr. BARBOZA. So then—

Mr. PIERCE. No; that would be incorrect.

The statute makes it mandatory that the Director "shall" and there are five circumstances which would be prohibiting and you would have to make reference to that, otherwise it would be a right, and not a privilege.

Mr. BARBOZA. But the agent does review those qualifications for the licensee?

Mr. PIERCE. Yes.

Mr. BARBOZA. With respect to the city of Chicago, one of your functions is to monitor, I would think, the flow of handguns in interstate commerce and also assist State and local governments. Mr. Richardson you indicated that you cooperated with the State and local governments here, and the police authorities.

Please cite some specific instances in which you have cooperated with Chicago authorities particularly with respect to residents from the city of Chicago purchasing handguns outside of Chicago when they are unable to secure a city permit.

Do you have any idea of the number of guns that residents of the city of Chicago purchased in the outlying areas where there is such a great concentration of dealers?

Mr. RICHARDSON. We have no idea as to the number. We do make referrals to the Chicago City Police.

The information that we develop in contacting dealers, the material that we furnished to the committee, will reflect that we have referred some 6,000 residents of the city of Chicago to the Chicago Police Department, who had, in fact, purchased guns from dealers outside of the city.

The number, we have no way of knowing.

Mr. CONYERS. We have a number of other questions, and we are going to ask our counsel to stay in touch with you. We are very grateful for your presence here, both Mr. Drake, Mr. Richardson, and all of you gentlemen.

As you can tell, we understand the nature of your task. We are not trying to make you temporary legislators by having you come here, but we think it is important to understand the Chicago experience by having all of the enforcement people that have a responsibility helping us get a fuller picture of what is going on.

You have been very helpful in that regard.

Mr. McCLORY. Mr. Chairman, excuse me. Could I ask one more question on the gun identification and tracing program?

Mr. CONYERS. Certainly.

Mr. McCLORY. There is, in the LEAA, I believe, a project which was underway. Do you have a relationship between that project which has to do with gun tracing and the one that is carried on in the Treasury Department?

Mr. DRAKE. To my knowledge, sir, no.

Mr. RICHARDSON. No, sir.

Mr. McCLORY. Thank you.

Mr. CONYERS. Thank you very much, gentlemen. You may expect to be hearing from us. We will be continuing to work very closely with your director, Mr. Davis.

Thank you very much for your preparation and your appearance here this morning.

Our next witnesses are the president of the Illinois State Rifle Association, Mr. James Valentino, Esq., and the president of Search for Truth, Inc., Rev. Russ Meek.

We welcome you here, gentlemen.

I note the fact that you have prepared testimony, and it will be incorporated into the record at this point.

[The prepared statement of Mr. Valentino follows:]

PREPARED STATEMENT OF JAMES VALENTINO, PRESIDENT,  
ILLINOIS STATE RIFLE ASSOCIATION

Breaking a seventy year tradition, in 1973, the Illinois State Rifle Association (ISRA) elected a non-shooter as its president. The new president, elected by unanimous voice vote, is James Valentino, Jr., a Chicago attorney who has represented the Association in legislative affairs and who was formerly the chairman of the Association's Legislative Committee. Mr. Valentino was unanimously re-elected for a second term in February, 1974.

Formed in 1903 at the annual convention of the Illinois National Guard and Naval Reserve Association, the Illinois State Rifle Association has grown to include in its ranks, competitive riflemen and pistol shooters, hunters, trap and skeet shooters, collectors, and Americans who simply believe in their right to own a gun, when or if they so choose.

Recent decades have brought the Association's legislative committee into prominence. Proposed legislation could mean life or death to the shooting sports and to the Association.

The motto shown at the beginning of this statement also appears on all correspondence of the ISRA. "We protect the citizens' right to own firearms. We fight the criminal use of firearms."

The use of such a motto was suggested to the ISRA by Illinois Representative Roman Kosinski and other legislators, to exemplify the dual legislative purpose of the Association. Illinois legislators often find the ISRA standing with police and law enforcement agencies on legislation aimed at reducing crime and protecting the citizens.

But protecting the citizens is not disarming them. To properly protect the citizens, we cannot deny them the right to protect themselves. The handgun in the dresser drawer should remain a legitimate means of self-protection to the honest citizen. On several occasions, Illinois Governor Daniel Walker, has expressed similar views, promising to protect the citizen's right to arm himself against the criminal, while urging strong punishment for those who use guns in crime.

We hear many statements from high-ranking police officials: "the men behind the malogany desks." But do they really represent the views of the policemen? Apparently they do not, as reported in the January, 1975, issue of *The Blue Light*, the publication for and about Chicagoland police officers. May we quote *The Blue Light*?

"According to *Blue Light* Survey No. 3, nearly 3 Chicagoland police officers out of 4 (74.5%) believe that 'present handgun registration laws are okay, but that violation penalties should be stiffened. . . . and enforced.' . . . .

"Some 19.6% of the officers feel 'there is no need for handgun control,' while at the other end of the scale, only 3.9% believe that all handguns, registered or not, should be confiscated.

"Probably the most prevalent opinion was well expressed by a C.P.D. patrolman who remarked, 'We already have plenty of gun control laws. If the courts won't enforce these, what good will another law do?'"

[The complete article from *The Blue Light* follows this statement.]

In 1970, Illinois adopted a new state constitution. Amidst strong pressures from all sides, the Constitution Convention decided to strengthen the right to keep and bear arms. The new constitution eliminates all reference to the militia and guarantees the individual citizen has the right to keep and bear arms. "Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed."

Thus the Illinois State Rifle Association, and the honest citizens in Illinois, are sick and tired of "gun laws". We want anti-crime laws. Laws that will help a failing criminal justice system cope with the increased crime. What good are gun laws, when only honest people obey them? Why have gun registration when the United States Supreme Court has said that criminals and ex-convicts are immune from registration? And why waste millions in the record-keeping and checking of ammunition sales, when ammunition cannot be later identified or traced?

Why talk about gun laws, when our federal government has so miserably failed at all other attempts to ban products or commodities? Our prohibition of alcohol was notoriously unsuccessful and produced an organized underworld unsurpassed in history.

Our narcotic bans have failed to reduce the flow, and operate to protect underworld profits. If we attempt to ban any desired type of guns, the underworld will be manufacturing before the Congressional ink is dry.

At what expense do you want a "gun ban"? Concealed weapons were banned from airlines for decades. The sky-jackers did not obey these laws. The airlines discovered that individual searches of all passengers were the only means to enforce a gun law. If guns are banned in the homes, it will lead to individual searches of each and every home. How else can you find the unregistered guns? Does it sound improbable. Look at our narcotics searches. Look at the number of people who own guns.

But stop looking at guns. Look at crime. The people know why there is crime.

The person who refuses to help his neighbor knows why there is crime.

The person who will not come forth as a witness knows why criminals go free.

The police who watch offenders go free on bond before they finish their reports know why there is crime.

The judge and attorneys who encourage light sentences, probation, and plea bargaining know why we have repeat offenders.

And ask the prison wardens and guards whether those institutions produce better citizens or better criminals.

Yet as long as we make the gun the scapegoat for crime, we will fail to correct what is wrong with our system. As long as we try to blame the gun, crime will increase. We have seen a proliferation of firearms laws, which now total over 20,000. We all know that these laws have failed to reduce crime.

The Illinois State Rifle Association urges this subcommittee, and the Congress of the United States, to join us in fighting the criminal's Use of firearms, and join us in protecting the citizen who arms himself to fight the criminal.

#### ACCORDING TO BLUE LIGHT SURVEY ON HANDGUN LAWS, 3 OUT OF 4 CHICAGOLAND OFFICERS CALL FOR STRICTER ENFORCEMENT

According to Blue Light Survey No. 3, nearly 3 Chicagoland police officers out of 4 (74.5%) believe that "present handgun registration laws are okay, but that violation penalties should be stiffened . . . and enforced."

The second most prevalent opinion is that "the present handgun registration laws are adequate," with 23.5% of all respondents endorsing this view.

Some 19.6% of the officers feel "there is no need for handgun control," while at the other end of the scale, only 3.9% believe that "all handguns, registered or not, should be confiscated."

(Nearly one reader out of 3 expressed agreement with 2 or more of the opinions offered in the questionnaire. This accounts for the fact that total response exceeds 100%.)

For some reason, this current survey generated more comment on the part of Blue Light readers than any previous survey. Nearly every officer responding reinforced his ballot with a well-thought-out comment. Some even responded in letter form.

#### VIOLATORS NOT BEING PUNISHED

Probably the most prevalent opinion was well expressed by a CPD patrolman who remarked, "We already have plenty of gun control laws. If the courts won't enforce these, what good will another law do?"

In a similar vein, an Area 4 investigator wrote, "It must be remembered that the current charge of UUI (38-24-1a4) and Failure to Produce State Card (38-83-2) both carry a maximum of one year in jail. But someone should tell the judges!"

A south suburban officer who also feels the solution lies in stricter enforcement stated, "I would like to see you print the percentage of people arrested for possessing and using handguns illegally, versus the actual conviction rate. In my opinion, this is where the problem is."

"Convictions and stiff sentences, even for first offenders, will have more far-reaching effects than toughening the laws and maintaining the same conviction rate," wrote a suburban Steger officer.

A CPD patrolman who also feels the gun control problem lies more in the courts than the laws suggests, "We should confiscate all inadequate judges, or place a bounty on them!" Another remarked, "We need to take the criminals out of circulation, not the guns!"

#### SOME ANTIGUN CONTROL VIEWS

Among those who feel there is no need for handgun control, one CPD officer asked, "Does any policeman know of a single criminal who has registered his gun?"

A Riverdale officer states, "All that the registration laws give us is a list of law abiding citizens who own guns."

A CPD sergeant asks, "What caliber handgun did Jack the Ripper and the Boston Stangler use?" Another Chicago sergeant remarked, "If handguns were banned, baseball bats and knives would be used . . . and I'd rather be shot than have my throat cut!"

## SHOULD BE BANNED TOTALLY

At the other extreme, among those who advocate handgun confiscation, a CPD Area 1 investigator suggests, "Any time a handgun appears in any court for any reason, registered or not, it should be confiscated."

And an officer with the Cook County Sheriff's Police feels, "There should be a real, active, concerted effort on the part of police to bring about legislation to ban handguns entirely!"

Among those who believe that the *availability* of handguns and handgun ammunition should be outlawed (as opposed to outright confiscation), one reader remarked, "We are human beings, not animals. The handgun must go!"

And a Kenilworth officer suggests, "If the temptation to use a handgun is increased by the availability of handguns, then we should eliminate the availability. Totally!"

## SWIFT, SEVERE PENALTIES NEEDED

Again and again, however, survey respondents returned to the subject of gun control penalties and enforcement. "Stricter penalties should be imposed for crimes committed with guns," suggests an Elk Grove Village and severely," said a DuPage officer. And a CCSP respondent suggests that "All handgun penalties should be mandatory, and be made to run consecutively with any other sentence imposed."

A police wife who favors stiffer penalties for crimes committed with handguns had a very personal reason for answering Blue Light Survey No. 3. "My husband," she wrote, "was the victim of a handgun this month."

And finally, we have this remark from a CPD officer who opposes gun control. "Public hangings in the Civic Center Plaza every Tuesday at noon would do a lot more toward lowering the murder rate than trying to disarm 220,000,000 Americans!"

### TESTIMONY OF JAMES VALENTINO, PRESIDENT, ILLINOIS STATE RIFLE ASSOCIATION

MR. CONYERS. Now, we would be delighted to hear your position on the subject that brings us to Chicago.

MR. VALENTINO, would you care to begin?

MR. VALENTINO. Yes; thank you, Mr. Chairman and members of the committee. You really know how to put me to task.

You spent the last 1½ days listening to some pretty one-sided testimony.

You have been listening to witnesses from one of the highest crime-rate areas in the country.

Maybe after talking to the Chicago Crime Commission, the State's attorney, and judges of our circuit court, you have an idea why our crime rate is so high.

However, the surrounding area of the city of Chicago, the suburbs, and downstate Illinois have considerably lower crime rates.

We had over 900 murders last year in the city of Chicago, but in the entire remainder of the State, under 200 murders.

The attitudes of the people in the southern part of the State are much different than the attitudes of the people you have been hearing testimony from in this committee.

The city officials yesterday told you that due to the strong gun laws in the city of Chicago, residents must go downstate or into the suburbs or across State lines, to purchase their guns, suggesting that the availability in the surrounding areas and in other States is greater than in the city of Chicago.

Then they have the nerve to suggest that it is availability of guns that is the cause of the crime rate. If that were so, the surrounding



areas and downstate Illinois would have the high crime rate, not the city of Chicago.

You have spent practically 11½ days listening to witnesses from a failing system.

We have a failing judicial system in this city and failing penal institutions, and we have an increasing crime rate.

You are missing testimony from people downstate and in other areas where their systems are working.

When you are asking these Chicago officials how to reduce crime, it is like asking a bald man how to grow hair. [Laughter.]

You are listening to all of the political officeholders, all the men who sit behind the mahogany desks. You are missing completely the testimony of the people.

As you know, I am an attorney and the president of the Illinois State Rifle Association. At this time, I wish to point out that that position as president is honorary. I receive no salary but the issues that are present today are far more important than a paycheck.

What is the use of earning a good livelihood, having a nice home, having a wonderful family if we, some day, are denied the means to protect our property, our families, and our lives—yes, with a hand gun if necessary.

As I say, you are missing completely the testimony of the people. Why don't you question the people who see crime being committed and who refuse to help the victim. They know the cause of crime.

Why don't you ask the people who are witnesses to crimes yet who refuse to aid the police, who refuse to testify in court. Ask them if it is the gun laws that keeps them from giving testimony.

Ask the police who risk their very lives to apprehend criminals and yet watch the same criminals leave the police station before the policeman is through finishing his report.

Ask him if it is the gun laws that set the criminals free.

Ask the lawyers, the prosecutors, and the judges who take part in our "let's make a deal" court system if it is the gun laws that encourage the probation, the slap on the hand fines, if it is the gun laws that send the criminal back to the streets.

Then finally ask the guards in our prisons, ask them if the prisons rehabilitate the prisoner or if it hardens criminals.

Ask them if it is the gun laws that cause the repeat offenses.

Finally, ask the people who try to improve the system, ask the citizen who used his gun to try and prevent a crime to help his neighbor, if he injured or kills the criminals, the attacker, ask him who was charged with a crime.

Ask him if it was the criminal who was charged or if it was the citizen who tried to help who was charged with illegal discharge of a firearm within the city limits, unlawful use of a weapon, and assault with a deadly weapon.

Gentlemen, I have these cases in my office files today.

Mr. CONYERS. Well, can you supply them to us? We are talking in generalities right now. If you have them in your office——

[Groans from the audience.]

Mr. VALENTINO. I appear daily in courts on such cases.

Mr. CONYERS [banging gavel]. Just a moment. I hate to interrupt you but I want to make it clear to everyone in this audience that this

committee is not going to tolerate any interference of any kind, whether in support of or opposition to anything any of the witnesses or the members of this committee say.

Now, I announced that yesterday, if I didn't make it clear at the outset of these hearings. I want to reiterate it because these hearings must be conducted in accordance with at least the general rules of procedure that govern committee hearings.

So I would ask that you restrict any opinions of a verbal nature in connection with the discussions that go on. Thank you.

I'm sorry I interrupted you there, but as I was saying, we would like to talk about the specific cases and I would ask that if you can, you supply them to the committee.

Mr. VALENTINO. I will be pleased and I not only will supply the specific cases but the court docket numbers, the case numbers, and if the cases have been adjudicated, the results as well.

Mr. CONYERS. Thank you very much.

Mr. VALENTINO. And you should also ask the witnesses who tried to cooperate with the police and the courts, ask them what protection was given them, who paid for their many trips to the court only to have the case continued, continued, and continued.

I thought I came here to represent the Illinois State Rifle Association but who is going to represent the people?

Am I to represent the over 2 million firearm owners who are registered with the State of Illinois, who are willing to let the State of Illinois check their records prior to issuance of a card necessary to purchase firearms legally?

Am I to represent the over-500,000 people who have registered their individual firearms with the city of Chicago?

It looks like that is one of the burdens that is put upon me, and as a result, some of my testimony today will not be strictly the views of the Illinois State Rifle Association, but our understanding of what the views of the people in the State of Illinois are.

The people know they cannot depend on the police to be at their doorstep when they need them.

We may have one of the best police departments in the country. I myself, however, tried every 15 minutes, together with my wife for 2½ hours to report a crime to the Chicago Police Department.

I tried both the local station and the main office at 11th and State, and for 2½ hours the police did not answer the telephone.

I have had clients call me on the telephone when they witnessed crimes being committed frantically asking me what they could do because they could not raise the police.

Mr. ASHBROOK. On that point, was that because the lines were busy that they just didn't answer.

Mr. VALENTINO. Because the police do not answer. And I have had clients who have called me and told me that they reported a crime in process, in the process of being committed, to the police and have been told that they were absolutely sorry, but that a policeman was not available, that they were all tied up at the time.

People have installed elaborate systems of security doors, security locks in apartment buildings, and commercial buildings in an effort to keep out intruders.

They also find, however, that these same security locks and security

doors delay the police as well as the intruders. Time is short when a crime is being committed and you must repel immediately.

Other people in this State live in unincorporated or rural areas where there is no local police. I myself am one of those people.

I live in an unincorporated area where the police station is the county police, 7 miles from my home.

People also know you can't depend upon your neighbor. Strong gun laws and 40 years of legislation designed to protect the criminal has made the average citizen afraid to participate in law enforcement.

These people have found that if they get involved and should happen to shoot or harm the attacker, that it is them that will be charged with the crime and not the criminal.

People today are afraid to appear as witnesses in the courts. They know that to appear as a witness you are going to waste days upon days traveling to and from the court, only to hear the case continued and continued and continued and then one day when you fail to show up, it will be dismissed.

Now, the result of that is that the citizens use every means that they can to protect themselves.

We have degenerated the city into an "every man for himself" basis.

People buy large dogs and there is a large amount of large dogs traveling through the city of Chicago that is unheard of in history; either that or they purchase a firearm to defend their homes, their lives, and their property.

Helping these citizens is not the same thing as disarming these citizens.

Appended to or attached to my statement before the committee you see a report that was issued in the Blue Light Newspaper, the magazine of and for the Chicago Police Department.

This report includes a survey, not from the high-ranking police politicians who sit behind the mahogany desks, but from the average police officer who combs the beat.

Now three out of four of these policemen want nothing to do with more gun laws. What they want is more help from the judicial system and the courts.

Disarming the citizen will not help the police.

People have become distrustful of gun laws. They have become distrustful of political promises. We have accepted the Chicago gun registration ordinance on the promise of our politicians that it would reduce crime.

You have heard testimony of how crime was reduced by the Chicago gun registration ordinance.

We have three times as much crime today, three times as many murders last year than in 1967, before the ordinance was enacted.

At this time, I want to say one thing and that is that General Kane is to be commended for refusing to make the records of gun registration public.

Much political pressure and pressure by the newspapers and others was put on him a few years ago to make the registration of all gun owners public. Rightfully he refused to do so.

We have also seen, under the Chicago gun registration, that criminals do not register guns, but are prohibited from doing so, under the ordinance.

The citizens of the State of Illinois accepted the Illinois identification card system on promises of our legislature that they would check out the individual applicants and it would reduce crime.

It was the gun owners in the State of Illinois that helped draft the bill, that helped pass the bill that were the chief proponents of such registration before the State of Illinois.

We even offered the State of Illinois a fee of \$5 to pay our own way for the State of Illinois to check each applicant for gun registration.

Our legislature was very happy to accept the \$5 registration fee, but when it came time to pay for the checking of the applicants, they allowed 50 cents to the department of law enforcement.

As a result of that, criminals have no difficulty obtaining registration cards. Narcotics addicts have no difficulty obtaining registration cards.

Insane people have no difficulty obtaining registration, and in a Springfield hearing, a gentleman once showed me a registration card that he had obtained for his Labrador retriever, picture and all.

Now, I showed this card to Representative Kosinsky, and we set out to try and see if there was anything that could be done to make the system operate.

Our legislature has still failed to fund the department of law enforcement with the \$5 fee that they are collecting from the gun owner's applications.

Representative Kosinsky, however, has obtained about \$400,000 in additional Federal funds to help put it into the system.

As a result we have watched a system that was designed to regulate firearm owners and check applicants deteriorate into merely a revenue measure.

And, gentlemen, we accepted the 1968 Federal Firearms Act, Gun Control Act, because of promises that were made at the time that interstate shipments would be stopped, that all firearms would be sold through licensed dealers and that crime would be reduced.

Gentlemen, if the 1968 Federal act was a smashing success, we would not be gathered here today.

Now, we have several bills that are proposed, many bills as a matter of fact that are proposed for consideration by the Federal Government. At the strongest extreme, we have complete bans.

The people in Illinois know the legislative history on bans. They have seen our Federal Government work at banning other products.

We have seen our alcohol bans and we know that it led to the greatest consumption of alcohol that probably existed in the American history.

We have seen the ban of the sale of narcotics and you can't tell the people in this city or in this State that the flow of narcotics has stopped or even slowed.

In addition, these bans have promoted the greatest underworld in crime that history has ever known because once you have a product that the people want or that a portion of the people want, once outlawed, the underworld will start its manufacture.

If you outlaw the sale of any type of firearms on a national level, the underworld will be producing these firearms before the ink is dry on the bill.

In addition, I want to point out something that very few people ever say.

The alcohol laws that we have protected the criminal underworld, because you see the underworld was in competition with the honest retailers and manufacturers.

When we outlawed the manufacture and the sale of alcohol, all we did was eliminate the competition of the underworld.

Today's narcotic laws do not protect the addict or the citizens. They protect the underworld and the pusher.

If it were not for these same narcotics laws, there would be no pushers because you see there would be no sense in getting young people addicted to narcotics if they could go to a drug store and purchase narcotics for \$2 or \$3 a week.

What we are doing, by outlawing narcotics, is protecting underworld profits. We are protecting the system of pushers.

We are protecting narcotics rings from elimination of their profits.

Mr. McCLORY. Mr. Chairman, may I ask a question.

Mr. CONYERS. Yes.

Mr. McCLORY. Are you advocating legalizing of all narcotic drugs? I gather that is what you are saying, that we would legalize the free sale of narcotic drugs in drug stores, that would solve the problem.

Mr. VALENTINO. Although it is out of the scope of the hearing today, I would predict that if you legalize the sale of narcotics to addicts who could go into drug stores, with a doctor's prescription, the crime rate will drop fantastically, practically overnight, because I think a large majority of the crimes today are narcotic-oriented.

If you are addicted to narcotics and you have to pay \$200 a week for your vice, a vice that may prevent you from holding an honest job, you may have to resort to crime to keep up the habit.

Mr. CONYERS. Pardon me—

Mr. VALENTINO. My purpose, however—

Mr. CONYERS. Excuse me, just a moment. Are you near the end of your statement?

Mr. VALENTINO. Yes, I am.

Mr. CONYERS. Because we want to recognize the other witness.

Mr. VALENTINO. Yes, I am sorry if I am taking longer than the allotted time. I do apologize for that but—

Mr. CONYERS. That is all right.

Mr. VALENTINO. But I think we have a certain element of testimony here, however, that has not been said before this committee previously.

Mr. CONYERS. Well, that is why I have allowed you to go beyond your allotted time.

Mr. VALENTINO. Thank you, Mr. Chairman.

What I am saying here is that if you propose a Federal ban on the manufacture and sale of handguns, Saturday night specials, or any other product that the people want, you are not going to ban any product from the American people. You will merely drive it underground. When it is underground, we can no longer have any form of tracing it and we are promoting the crime that we are striving to eliminate.

In addition, enforcement of a gun ban is going to lead to evils worse than the crimes themselves.

The airlines have known that concealed weapons were banned from the airlines for decades but the hijackers or skyjackers did not obey these laws.

They found what practically every country has found before, that the only way to enforce a gun ban is by routine searches, and as a result the airlines search each and every passenger for the airlines.

If we ban handguns from the homes, we must then have routine searches of each and every home if we are going to even attempt to be successful in such a ban. At that point, we are not only throwing away the second amendment, we are throwing away the fourth as well.

There will still be pacifier arms. In 1971, we had thefts from seven national armories and if we cannot keep firearms away from criminal hands in our national armories, where, gentlemen, are they safe?

Firearms will be manufactured. As our Attorney General, William Saxbe, said that he was a poor mechanic, but he could still make a handgun in a morning and most of the people that I have talked to have agreed he was a poor mechanic.

We have laws that are going to restrict or that are proposed to restrict firearms to those who belong to and store those firearms in pistol clubs or at pistol ranges.

I object to such legislation for one reason. It is going to eliminate me. I belong to no such club or organization.

We have no licensing of such clubs and most of those clubs have no storage facilities for the weapons.

In addition, the same theft problems that we have anywhere else are going to be present at those ranges. We are going to accumulate a series of weapons and if they can steal them from the national armories, they can steal them from the gun clubs.

MR. CONYERS. Mr. Valentino, I am sorry now that the time that you are apparently going to need is going to be more than I can give you. I am going to ask you to terminate your statement.

MR. VALENTINO. Mr. Chairman, I will be pleased to answer any questions that this committee may have of me.

MR. CONYERS. Thank you very much. We will do that, but first we want to hear from Rev. Russ Meek, president of the Search for Truth, Inc., whose statement also was received and which will be put into the record at this point. Proceed in your own way, Reverend Meek.

[The prepared statement of Rev. Russ Meek follows:]

#### STATEMENT OF REV. RUSS MEEK, PRESIDENT, SEARCH FOR TRUTH, INC.

The fact that 50% of homicides are due to alcohol, 50% of all fatal vehicular accidents and  $\frac{1}{3}$  of all suicides.

The United States Attorney General stated quite clearly that gun control was intended for the "high crime areas" and not the rural areas, the rural areas are of course the areas where the Ku Klux Klan and other similar organizations flourish.

The hearings are loaded with anti-gun people and therefore do not represent the democratic will of the people, but instead are a thinly-veiled attempt to ram totalitarian, unconstitutional and racist gun legislation down the unsuspecting public's throat.

Fewer than  $\frac{3}{10}$  of 1 percent of firearm owners are involved in any crime in which a firearm is used.

Citizen soldiers early became identified with democratic government.

Rousseau looked back in history and found that all the victories of the early Romans, like those of Alexander had been won by brave citizens, who were ready, at need, to give their blood in the service of their country, but would never sell it. Only at the siege of Veli did the practice of paying the Roman infantry begin.

"The mercenaries" swords were always at the throats of their fellow citizens, and they were prepared to butcher them at the first sign. It would not be difficult to show that the disarming of the civilian populace and their replacement with hired mercenaries (police, soldiers, etc.) was one of the principal causes of the ruin of the Roman Empire. (Need I say more?)

After the Magna Charta, the monarchy was held reasonably in restraint until Charles I (1625-49) tried to govern through the army and without Parliament, there then followed the military rule of Oliver Cromwell. Charles II and James II (1660-85 & 1685-88) used armies of 5,000 to 30,000 men in their fights against Parliament and the people.

When the people are disarmed, who then is to stand between them and those who would rule by fiat, enforced by armed mercenaries in the service of the executive branch?

A government that would disarm its subjects would also disenfranchise its subjects would also suspend the Bill of Rights; would also create conditions of involuntary confinement for dissenters and perhaps eventually (if not sooner) provide for their untimely demise.

This is the road that you are leading us down and I for one will stand squarely in your way until the last breath in my body has expired. I have not in my mind any struggle more righteous, more consistent with constitutional liberties and human rights, than the one now joined.

Self-protection is an inherent right and it is rather odd that in 1975 or is it 1984? I must attempt to present a case in defense of the right to defend that which is mine by birth (my life). In many of the all-white suburbs, the police are training civilians to shoot but it seems that this is to be confined to those areas people mainly by those who are caucasian and strict controls, perhaps even confiscatory ones are to be introduced into the "high crime areas, i.e. densely populated areas, i.e. the inner city i.e. (the black and brown communities).

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[From Guns & Ammo, Apr. 1975]

#### G. GORDON LIDDY: GUN CONTROL AS PEOPLE CONTROL

Early in the middle ages there was invented in Italy another in that long series of weapons predicted to "revolutionize warfare." In this case the prediction proved correct in a social as well as military sense.

Accurate to a range of three hundred yards, the new shoulder weapon had an extraordinary capability: it was armor-piercing. For the *medieval panzer*, the mounted armored knight, an effective anti-tank weapon had been developed.

By 1139 A.D. the one existing Pan-European political entity, the Catholic Church, had, at the Second Lateran Council chaired by Innocent II, banned the crossbow on the ground that its use constituted an atrocity. The reason given by the Pope for crossbow control has in common with those asserted on behalf of its modern equivalent, gun control, two elements: both are as self-righteous as they are spurious.

The real reason the church banned the crossbow had nothing whatever to do with morality and everything to do with power since the proscription did not extend to use against non-Christian knights. Prior to the introduction of the crossbow, a ruling-class noble, encased in armor, mounted on a horse and carrying a sword and lance in the use of which he was skilled, had nothing to fear from a homespun-clad peasant afoot armed with the glorified spear called a pike.

Suddenly, the ruling class found itself in an unacceptable situation. A peasant father, for example, seeking to preserve his daughter from casual rape at the hands of a bored baron need no longer wring his hands and appeal to God; he could elect to preserve her purity with power rather than prayer. Safely out of range of lance and sword, a lowly peasant could send a bolt smashing through the armor of a lord to transfix the man who threatened a member of his family.

Even more importantly, an entire class of exploited persons had for the first time the technological capability to attack successfully their previously invulnerable masters; an atrocity indeed if, as was the Pope, one happened to be a master.

The medieval aristocracy had no intention of sharing the power of life and death if that sharing could be prevented. Fortunately, for the peasants, crossbow control was as effective then as gun control is today, which is to say not at all. The reason is the same. It has not and will not achieve the support of a large portion of the population. People do not readily surrender power, and power is what the argument is really all about.



Cellblock 4 of the District of Columbia Jail has, on its third floor, a common room where prisoners may view television. One evening recently, following the local news, a young white man appeared on screen and delivered himself of an editorial calling for the confiscation of handguns owned privately. Save one observer, myself a convict, all those in the room were black. The listeners reacted to the editorial not as convicts but as black citizens. The editorial was viewed unanimously as a threat to what little power a black man, especially a poor one, had in a white, affluent nation. The barons did not want the peasants to have the power inherent in the possession of a crossbow, and *Whitey* does not want a *Brother* to have the power inherent in the possession of a gun.

The old arguments about registration, licensing, owner identification cards and the like are *passé* now. Few serious men on either side of the controversy bother to deny any longer that the issue is private possession of firearms; of a handgun today, of a long gun tomorrow (a long gun plus a hacksaw equals a handgun).

Feeling on both sides is intense. How could it be otherwise when such elemental and opposite emotions as fear, on the one hand, and a sense of security on the other, are at the center of the dispute?

We have, as a people (black and white) abandoned our streets after dark to the feral, only to sit behind dead-bolted doors there to ignore the cries of the street victim as of someone who should have known better than to have been abroad at that hour in the first place. We have not, however, abandoned our homes. There we stand and fight. Indeed, what choice is there? Further retreat is impossible.

Years ago someone engraved on the barrel of a Colt revolver: "*Be not afraid of any man, no matter what his size. When danger threatens, call on me. I will equalize.*"

There is a profound sense of security felt by some forty-five million firearms-owning citizens in the knowledge that they have in their homes a gun. It may not be an appropriate weapon in fact (many a woman places her faith in a .22 caliber pistol when, for man-stopping purposes, a .38 special is marginal) but the feeling of security is there. If someone from "out there" tries to break into the last sanctuary, the home, there is a powerful last resort. Anyone believing that such a person is going to turn in the gun the government doesn't know he or she possesses, and with it what little sense of security he or she has left, because a law purports to make criminal what has existed as a right for two hundred years, is mistaken.

It is also vain to expect those who do not own firearms, are not familiar with them and thus fear them, to care that a firearms confiscation program: would entail billions in direct and indirect costs; would be as effective as prohibition; would not prevent a robber from arming himself with a handgun; or prevent a person in a murderous rage from using it on a spouse, or oneself if determined upon committing suicide.

One wishing to gauge the impact of the emotional character of this argument need but reflect upon the position taken by many an erstwhile civil libertarian on this issue.

Fewer than three tenths of one percent of firearms owners are involved in any crime in which, in any way, a firearm is used. In no other issue-area would a civil libertarian even suggest that one could justify the deprivation of a right and the confiscation of property from a majority on the ground that a miniscule minority had abused that right or misused that property.

What those who call for "gun control" really mean is people control, but they lack the courage to say so. Gun control has always been a convenient scapegoat for those unwilling or unable to address themselves to the real problems of our society. But gun control will not protect its advocates from those who believe that they are excluded from our society, are social outlaws and might as well become outlaws in fact to take by force that which they are not equipped to acquire by acceptable means or which they believe, correctly or incorrectly, they will not be permitted the opportunity to acquire whether equipped to do so or not.

There will always be among us those who do not choose to delay gratification and who elect to prey upon others. Such persons are not confined to any social class, educational background, race or other identifiable grouping factor. Such persons, however, cannot account for the extraordinary amount of violent crime in the United States. There are other reasons for that, not the least being the fact that millions of our people perceive themselves, not without reason, as members of an underclass, without power and without access to power by ordinary means.

In struggles for power, people get hurt. Sooner or later responsible leaders will



have to stop occupying their time with such symptom-treating approaches as gun control and attack the real problem. The only aristocracy that can last is that based upon merit. Joining with the Pope in cursing the crossbows will not preserve an aristocracy based upon one's pigmentation or parents.

**"GUN CONTROL—TO BE OR NOT TO BE," WHITHER NOW, BROWN COW?**

Presented before hearing on "Ban the Bullet" legislation Tuesday, November 12, 1974, by Russ Meek, president, Search For Truth, Inc.

We hear a lot of talk about crime but very little talk about solutions! Meaningful ones, that is. The manufactured hysteria has reached the point where one of the Chief Proponents in the City Council has called for a dictatorship in this country, and the Constitutional Liberties and Human Rights of all accused and unaccused are in serious jeopardy! It is difficult to separate fact from fiction, but I will try!

FICTION	FACT
SNS's <sup>1</sup> are responsible for most killings	32 percent.
SNS's <sup>1</sup> sell for \$8 to \$10	\$30 to \$100.
Gun laws stop criminals from getting guns	Gun laws increase the pool of illegal weapons.
Gun control is not racial	Gun control is race control. Blacks are silent instrument to obtain complete confiscation!
Increase in homicides is due to lack of gun control	98 percent of those arrested for burglary went free and 2 out of 3 arrested for murder were released! Gun control is not crime control.
Stiffer gun laws are needed; gun laws decrease crimes of violence	Philadelphia has a gun law considered the stiffest in the country; yet, Wm. Killeen, Assistant State's Attorney (homicide) said, "The ordinance is having no effect on crime; there has been no appreciable + or - in gun crimes, but crimes of violence have increased. It has forced people to buy guns in suburbs.
Honest concern brings about gun laws	City Councilman Giordano (Philadelphia) says, "There was a crime wave at the time we passed the law. We passed it so we could say we did something about crime. It's not working. I'm against this law; it is not decreasing crime. Besides if you are going to commit a crime, you will not seek a permit. I would like to repeal this law!"
Gun laws get at the root problem	"Weapons do not commit crimes, nor do law-abiding citizens. Therefore, any legislation against the weapon or the law-abiding citizen is a fallacy. Like Prohibition, it dries up legitimate commerce, ONLY! The roots of community crime are poverty, socio-economic problems, miseducation, and home disintegration; also official corruption, racism, non-professional crime detection, mis- and malfeasance in our system of jurisprudence and the courts, punitive penology, a Watergate system of Government of injustice, and racism that is paralleled only by its "stepchild," the Apartheid regime in South Africa."

<sup>1</sup>SNS's=Snubnose weapons

The Black business, professional, and religious leaders cannot solve the crime problem because many of them are acting out of panic and a desire to please "white folks." The problem of crime in my community will have to be solved by those who reside in that community and no amount of running downtown or so-called coalitions with other ethnic groups will provide any solution. Richard Speck killed eight (8) people without a gun, and he is still alive and well and living in Joliet State Prison!

Many hundreds of Blacks have been given Capital Punishment for less than homicide. We talk about faster justice, faster justice for whom? Nixon, Agnew? How about faster justice for the unjustly accused, as well as the guilty! How about equal treatment before the law for the non-white and poor, as well as the HIGH and MIGHTY! We are approaching a situation where any young Black male (or poor white with long hair) will be prejudged guilty regardless of the lack of a prima facie case against him. Let's fight crime efficiently, expeditiously, but above all judiciously; but let us not destroy the concept of "Innocent until proven guilty beyond a reasonable doubt!"

Sidearms are a reasonable response to social and economic turbulence and high crime. They are the decent citizen's response when the State and the police force cannot or will not assure them and their families a reasonable amount of safety on the streets, in their homes, and on the highways. Certainly this is true at this point in our history. Prohibition (we will stop you from drinking whiskey by prohibiting its manufacture) ushered in the greatest era of lawlessness that this country has ever witnessed, and its socio-economic concomitants are still with us (i.e., corruption of elected officials and the police force, extortion, bribery, assassination, intimidation, dope, prostitution, gambling, organized crime, and gun-running).

Crime is a matter of intent, not weapons; those who live by breaking the law (I hope and assume that is who you are after) will not be deterred by the banning of bullets or the banning of guns (or their manufacture). Gun factories (illicit) have already been discovered; one in California was making UZI machine guns. To diminish crime, you attack the social causes of crime and not the ownership of weapons, which are the last bastion of defense against crime, totalitarianism and foreign invasion that we have. Plato, about 340 B.C., said, "No man can be perfectly secure against wrong, and cities are like individuals; in this, wherefore, the citizen ought to practice war—not in time of war, but rather while they are at peace. And every city which has any sense should take the field at least one day in every month, and for more if the magistrates think it fit, having no regard to winter cold or summer heat; and they should go en masse, including their wives and their children." We are reminded of the nuclear deterrent theory and the untold billions spent on it. Are we any different? If we need an armed presence to deter or defend ourselves against international bandits, who are not in our community, then, pray tell me, what is the objection to the use of weapons (of much less power) to protect our homes, our businesses and our loved ones?

Agnew, a convicted felon, was given the permission to buy and carry a FIRE-ARM; would you deny it to me? In Germany there was registration, then confiscation, then annihilation! I am deeply grieved to see so many who suffered so at the hands of the Nazis failing heir to the same fatal deficiencies that their brothers and sisters in Germany did!

Gun control is race control. The Second Amendment may be forgotten by some but not by all of us! Most of the lawmakers carry guns (or they have bodyguards). Are their lives more important than ours? Firecrackers were banned! Yet, there are more than ever! I collected and destroyed over 500 in my community, all sold at exorbitant prices! In some southern States, the Death Penalty for rape is *only* enforced against BLACKS! Jerome Huey, a young Black man, was killed by a baseball bat . . . not a Saturday Night Special! With this banning hysteria prevalent, the criminals will only have to worry about pursuit . . . not being stopped at the scene of their crime.

Colin Greenwood, Chief Inspector of Police in England and Wales, made a comment about the ineffectiveness of the extremely stiff firearms laws which they have had from 1920 to the present. "It has created such a vast and illegal pool of weapons. I wonder now if it would not have been better that anyone could buy any kind of gun they wanted." No one talks about (or prints) the countless lives saved by the presence of a gun in the hand of the intended victim! Let's take a look at seven leading causes of death in the Chicago area in 1973:

Item (cause)	Number of deaths	Percentage of total deaths listed
Heart disease.....	15, 526	42. 6
Cancer.....	6, 436	17. 7
Vascular lesions.....	2, 650	7. 4
Influenza and pneumonia.....	935	2. 5
Diseases of early infancy.....	843	2. 3
Cirrhosis of liver.....	944	2. 6
Shooting deaths.....	983	2. 7
Various other deaths.....	8, 086	22. 2
Total.....	36, 403	100. 0

As one can see, shooting deaths were only .028 percent of the total deaths in Chicago last year. Shall we now strain at the mote and swallow the camel; or is it that we can't see the forest for the trees? We outlawed dangerous drugs and look what happened! If the bullets are banned and the guns are confiscated from the law-abiding and respectable citizens, then who, pray tell me, will protect us from those who would do violence to us? The rapists, murderers, home invaders, baby killers, dope pushers, ordinary and extraordinary thieves, assassins, arsonists, gangsters, sadists, and various other assorted criminals are supporting all the "ban the bullets" and "gun control" bills. They would then have only the pursuit (if discovered) to contend with—wouldn't we be in a hell of a mess then?

When you come after my gun, you are coming after me, and I ain't ready to go! Now run and tell that, will you?

#### TESTIMONY OF REV. RUSS MEEK, PRESIDENT OF SEARCH FOR TRUTH, INC.

Reverend MEEK. First of all, let me state the fact that I think it is very unfortunate that the people who have views contrary to the anti-gun and anti-second-amendment have been allocated so little time at these hearings.

I think that that is a violation of our constitutional rights and since this is on live television, I want to let you know that a formal protest will be made to the FCC.

I consider this an extremely loaded hearing. I have heard so much fiction by the doctors and the so-called experts who don't know that a .45 is a great man-stopper and who came here and who brought pictures, slides, and charts and who were given great latitude by this committee, and I also could bring pictures of automobile accidents that would turn everybody's stomach in the place but I don't recall any ban on automobiles.

I want to read something to you. In 1833, Justice Story wrote that the militia is the national defense of free countries to repel foreign invasions and to stop domestic usurpation of power.

We hear a lot of talk about crime but very little talk about solutions—meaningful ones, that is.

The manufactured hysteria has reached the point where one of the chief proponents in the city council has called for a dictatorship in this country, and the constitutional liberties and human rights of all accused and unaccused are in serious jeopardy. It is difficult to separate fact from fiction but I will try.

Let me say that I was on a television program one day and they placed a starter's pistol and a twisted cross in front of me when I started testifying in an attempt to influence the public.

Now, I have never been on a program until I was on that program where there was an equal balance for the gun and anti-gun.

The anti-gun representative was on because I was on the program.

Now, every place we have been to, we have been outnumbered, out-gunned, and we have been subjected to limitations on time, as is happening here today.

Now, it seems to me that our country is in grave jeopardy when in the city council, one of the chief proponents of gun control, called for a dictatorship in this country to control crime and, as I say, it is very difficult to separate fact from fiction at this point, but let me point out some things about the Saturday night specials.

The Chicago police report said that the so-called Saturday night special, which is, of course, false, because there is no such gun, and the reason they use that term is to let Washington use class discrimination to keep black people from buying guns.

They say that the Saturday night specials are responsible for most killings but the fact is that they are responsible for only 32 percent.

They say that the Saturday night specials sell for \$8 to \$10.

Well, you can't get a gun for that price. The cheapest gun you can get is \$150 to \$200.

They say that the gun laws stop criminals from getting guns and that is a lie. Gun laws increase the pool of illegal weapons.

Collin Green from England pointed out that that is what happened in England. He made a study with respect to the past 20 years ban of the gun in England.

Now, they say that gun control is not racial. It is racial. Blacks are silent instruments to obtain complete confiscation.

They say the increase in homicides is due to lack of gun control. The fact is that 98 percent of those arrested for burglary, and 2 out of 3 arrested for murder were released. Gun control is not crime control.

They say stiffer gun laws are needed and that gun laws decrease crimes of violence which is another lie.

Philadelphia has a gun law considered the stiffest in the country, yet, William Killeen, Assistant States Attorney of Homicides said:

The Ordinance is having no effect on crime. There has been no appreciable plus or minus in gun crimes, but crimes of violence have increased. It has forced people to buy guns in suburbs.

They say honest concern brings about gun laws. City Councilman Giordano, Philadelphia, says:

There was a crime wave at the time we passed the law. We passed it so we could say we did something about crime. It is not working. I am against this law. It is not decreasing crime. Besides if you are going to commit a crime, you will not seek a permit. I would repeal this law.

They say gun laws get at the root problem. The fact is that weapons do not commit crimes, nor do law-abiding citizens. Therefore, any legislation against the weapon or the law-abiding citizen is a fallacy.

Like prohibition, it dries up legitimate commerce, only.

The roots of community crime are poverty, socioeconomic problems, miseducation, and home disintegration, also official corruption, racism, nonprofessional crime detection, misfeasance and malfeasance in our system of jurisprudence and the courts, punitive penology, a water-gate system of government of injustice and racism that is paralleled only by its stepchild, the apartheid regime in South Africa.

The black business, professional and religious leaders cannot solve the crime problem because many of them are acting out of panic and a desire to please white folks.

The problem of crime in my community will have to be solved by those who reside in that community and no amount of running downtown or so-called coalitions with other ethnic groups will provide any solution.

Richard Speck killed eight young women nurses and he didn't have a gun. He is alive and if one of those nurses had had a so-called Saturday night special she might be alive now and administering to the needs of the people and Speck would be in his grave where he belongs.

Many hundreds of blacks have been given capital punishment for less than homicide.

We talk about faster justice, faster justice for whom? Nixon, Agnew?

How about faster justice for the unjustly accused as well as the guilty.

How about equal treatment before the law for the nonwhite and poor, as well as the high and mighty?

We are approaching a situation where any young black male or poor white with long hair will be prejudged guilty, regardless of the lack of a prima facie case against him.

Let's fight crime efficiently, expeditiously, but above all judiciously, but let us not destroy the concept of innocent until proved guilty beyond a reasonable doubt.

Now, sidearms are a reasonable response to social and economic turbulence and high crime. They are the decent citizen's response when the State and the police force cannot or will not assure them and their families a reasonable amount of safety on the streets, in their homes, and on the highways.

Certainly this is true at this point in history.

Prohibition, "We will stop you from drinking whiskey by prohibiting its manufacture," ushered in the greatest era of lawlessness that this country has ever witnessed and its socioeconomic concomitants are still with us; for example, corruption of elected officials and the police force, extortion, bribery, assassination, intimidation, dope, prostitution, gambling, organized crime and gunrunning.

Crime is a matter of intent not weapons. Those who live by breaking the law, I hope and assume that is who you are after, will not be deterred by the banning of bullets or the banning of guns or their manufacture.

Gun factories, illicit, have already been discovered. One in California was making UZI machineguns.

To diminish crime, you attack the social causes of crime and not the ownership of weapons, which are the last bastion of defense against crime, totalitarianism and foreign invasion, that we have.

Plato, about 340 B.C. said:

No man can be perfectly secure against wrong, and cities are like individuals, in this, wherefore the citizen ought to practice war, not in time of war, but rather while they are at peace.

And every city which has any sense should take the field at least one day in every month, and for more if the magistrates think it fit, having no regard to winter cold or summer heat and they should go en masse including their wives and their children.

We are reminded of the nuclear deterrent theory and the untold billions spent on it.

Are we any different?

If we need an armed presence to deter or defend ourselves against international bandits, who are not in our community, then pray tell me what is the objection to the use of weapons, of much less power, to protect our homes, our businesses, and our loved ones?

Agnew, a convicted felon, was given the permission to buy and carry a firearm. Would you deny it to me?

In Germany, there was registration, then confiscation, then annihilation.

I am deeply grieved to see so many who suffered so at the hands of the Nazis falling heir to the same fatal deficiencies that their brothers and sisters in Germany did.

Gun control is race control.

The second amendment may be forgotten by some but not by all of us.

Most of the lawmakers carry guns or they have bodyguards. Are their lives more important than ours?

Firecrackers, yet there are more than ever. I collected and destroyed over 500 in my community, all sold at exorbitant prices.

In some Southern States the death penalty for rape is only enforced against blacks.

Jerome Hney, a young black man, was killed by a baseball bat, not a Saturday night special.

With this banning hysteria prevalent, the criminals will only have to worry about pursuit, not being stopped at the scene of the crime.

Colin Greenwood, chief inspector of the police in England and Wales, made a comment about the effectiveness of the extremely stiff firearms laws which they have had from 1920 to the present: It has created such a vast and illegal pool of weapons. I wonder now if it would not have been better that anyone could buy any kind of gun they wanted.

No one talks about or prints the countless lives saved by the presence of a gun in the hands of the intended victim.

Let's take a look at seven leading causes of death in the Chicago area in 1973:

- Heart disease : 15,526.
- Percentage of total deaths listed : 42.6.
- Cancer : 6,436.
- Percentage of total deaths listed : 17.7.
- Vascular lesions : 2,650.
- Percentage of total deaths listed : 7.4 percent.
- Influenza and pneumonia : 935.
- Percentage of total deaths listed : 2.5 percent.
- Diseases of early infancy : 843.
- Percentage of total deaths listed : 2.3 percent.
- Cirrhosis of the liver : 944.
- Percentage of total deaths listed : 2.6 percent.
- Shooting deaths : 983.
- Percentage of total deaths listed : 2.7 percent.
- Various other deaths : 8,086.
- Percentage of total deaths listed : 22.2 percent.

As you can see, shooting deaths were only 0.28 percent of the total deaths in Chicago last year.

Shall we now strain at the moat and swallow the camel or is it that we can't see the forest for the trees?

We outlawed dangerous drugs and look what happened.

If the bullets are banned and the guns are confiscated from the law-abiding and respected citizens, then who, pray tell me, will protect us from those who would do violence to us?

The rapists, murderers, home invaders, baby killers, dope pushers, ordinary and extraordinary thieves, assassins, arsonists, gangsters, sadists, and various other assorted criminals are supporting all the "ban the bullets," and "gun control" bills. They would then have only the pursuit, if discovered, to contend with, and wouldn't we be in a hell of a mess then?

When you come after my gun, you are coming after me, and I ain't ready to go.

I visit the prisons regularly and all of the guys down there say: "Won't it be beautiful if they take the guns away from everybody. We will have a field day."

I have one thing more to say which is my personal opinion and what I personally feel, that if you come after my gun, you are coming after me, and as I have said before, I am not ready to go, and I will not allow anyone to deny me the right to protect my rights.

My daughter's life was saved because I had a gun when there was an attempted kidnapping.

Now, I have been fired on seven times, and I have had numerous threats made against my life.

I was the person that discovered the police hit squad in the city of Chicago. I have fought dope, I have fought for my daughter, and my friends, and I am not going to discontinue my fight, but I am also not going to be bamboozled into believing that the purpose of banning guns is to reduce crime.

We hear odd news stories. We see printed stories about the assassination of Senator Kennedy.

We see articles about the assassination of Dr. King, which has been brought up again.

We had a great committee headed by Chief Justice Warren and all of a sudden now, their reports are being disputed and I think there is something wrong here.

We have Nixon traveling to certain countries overseas as he did in an attempt to take attention away from the fact that he was creating the fort right here in America.

We have some 42 members of his immediate staff including the Attorney General of the United States, convicted of crimes.

We have the new U.S. Attorney General from the University of Chicago which has been very busy wiping out the black people out in that area for their school and putting up housing that they can't live in. I think his name is Levi, and we have him making the statement that gun control would only be—gun banning would only be in the areas where there is high crime rates and it will not bother the anti-gun people in the rural areas.

Now, we know where that is, where the men and women are concentrated and what we are saying is: Who is kidding whom?

You are not kidding me when you tell me that the U.S. Attorney General can make a statement that guns will be banned according to the crime in the area.

You are saying like where there is a flood, no one will be allowed to build a boat. [Laughter.]

You are telling that where there is a hurricane, nobody will be allowed to build a storm shelter.

You are telling me that where the most violence has been created against ordinary honest law-abiding citizens, that you will disarm us.

Well, I don't intend to be a victim of crime. I don't intend to try to fight off a sawed-off shotgun or a pistol or a sawed-off rifle with a karate chop or a broom, you understand, or a dustmop.

That is my home. This is my life. This is my daughter's life, and I will fight with the last breath in my body.

As I said in my statement, the road you are taking us down, you will find my body there until the last breath trying to stop you, whether you are acting out of innocence or not, you are leading this country the same way that Germany went, and other totalitarian countries have gone.

I believe the highest act of patriotism is when you stop and tell your government when it is wrong, and fight to make it right, and I'm ready to fight.

Mr. CONYERS. Well, before you do that, I want to remind that this is merely a legislative hearing.

Reverend MEEK. Could I point this out, Representative Conyers?

Mr. CONYERS. Wait a minute. In a minute, I will recognize you again, if you need some more time.

What we are here in Chicago to do is examine the question of the failure of the 1968 Gun Control Act.

It is true that some of the Members of Congress have reached a decision on this subject.

Many of them are incidentally from Illinois and at least three of them specifically from Chicago who testified here yesterday and two of them, incidentally, are black, who are elected on a more or less repeated basis.

Reverend MEEK. Yes.

Mr. CONYERS. And who have come before us to express their views.

It is my judgment that their views are held as dearly and with as much conviction as your views are.

Reverend MEEK. I would doubt that, Congressman.

Mr. CONYERS. And you are perfectly welcome to express them. That is exactly why we asked you to come before us.

As you know, we were advised of your position and had a great deal to do, that had a great deal to do with us bringing you before the committee.

So what I would like to do, because I have extended the time, which, as you know, was set up for 10 minutes for each witness, but because there were rather lengthy testimonies, I thought it far fairer to you to have you make all of your testimony rather than reserve more of the balance of time for our questions.

Now, we are under a restriction that we must stop at 12:30. So let me get precisely to a couple of questions, that, to me, are very important.

Just for identification, since I didn't have it. Reverend Meek, could you just tell me briefly about Search for Truth, Inc.

Who are they and what are their aims?

Reverend MEEK. Well, I gave you, your committee, a newspaper article which I thought explained it quite thoroughly and our aim is just what it says, to discover and uncover the truth and spread it by



every means possible in spite of any type of duress that is placed on us.

We have been in existence and we discovered black businessmen were found in the canal and we discovered the police hit squad and we have been fighting against repression.

Mr. CONYERS. How long has the Search for Truth, Inc., been incorporated?

Reverend MEEK. About 8 years.

Mr. CONYERS. And how many members or supporters do you have?

Reverend MEEK. We have 2,000 active members.

Mr. CONYERS. I see.

Reverend MEEK. And many, many more supporters, including some in Washington, D.C.

Mr. CONYERS. All right. Now, do you have a church as a minister?

Reverend MEEK. Yes, I am a minister of the Universal Life Church, the same church that Nancy Wilson's husband is a minister of and I am a licensed minister.

Mr. CONYERS. All right.

Reverend MEEK. Could I ask you one question, sir? [Laughter.]

Mr. CONYERS. Could I complete my questions?

Reverend MEEK. Well, I didn't know of anybody else that went through this and I was kind of curious as to why I was getting this kind of questioning.

Mr. CONYERS. The reason is we wanted to know about your organization.

Reverend MEEK. I am also a business consultant for WVON radio and I have a program on WVON radio.

Mr. CONYERS. I am going to ask the same question of counsel.

Reverend MEEK. I assumed that.

Mr. CONYERS. Let me ask the questions, and then you answer them, and if at any time you want to ask me any questions, off or on the panel, I will make myself available. However, I would like to make just a couple of points here.

Based on your testimony, which gives me pause for consideration as to its logicalness—

Reverend MEEK. Yes?

Mr. CONYERS. I would like to find out how you would suggest that black people, who are most affected by the crime rate and, incidentally, the gun deaths, as you well know, can deal with this problem themselves?

I believe that is paraphrasing the statement that you made in your testimony.

Reverend MEEK. You are asking a question then?

Mr. CONYERS. That is a question, and I am asking you for a response.

Reverend MEEK. First of all, let me preface my answer by saying that I am not at all distressed by the sudden concern about the black deaths, because now we have 8.8 less years of life because of being black in America.

The STRESS squad in Detroit reduced the life expectancy of the black male by 2 years.

It is also a fact that the socioeconomic conditions that bring about criminals were brought about by a system that in itself has acted criminally toward black people.

We don't seek relief for the system. We don't go to the source of the problem for the solution.

Mr. CONYERS. Of course, Reverend Meek, I am raising the question because you spoke of those who have lately come to deal with the subject.

Well, I have been with this subject for quite a while.

Reverend MEEK. I know.

Mr. CONYERS. And I am the one raising the question and I don't know who else is raising it that is new at it but I have been at it a long time.

Reverend MEEK. That is right.

Mr. CONYERS. According to your statement.

Reverend MEEK. That is right.

Mr. CONYERS. And I would like to convince you that I have been and I am the one raising it.

Reverend MEEK. I think it is well known, a well-known fact that anybody who wants to solve a problem in the ethnic group has to solve it within their group.

The Italians don't come to us for solutions to their problems, nor do the Polish.

It is our problem, it is in our community and when we stop being frightened, when we stop running downtown for solutions, when we say: "This is our problem and our community and we can make it what we want to make it," that is when I will be proud and not before.

Mr. CONYERS. I am very sorry but I have been advised that we must break at this point for a recess. We will resume again at 1:30.

I would like to continue this discussion with you.

Reverend MEEK. Thank you.

Mr. CONYERS. The committee stands in recess until 1:30.

[Whereupon the subcommittee recessed, to reconvene at 1:30 p.m.]

#### AFTERNOON SESSION

Mr. CONYERS. The subcommittee will come to order, please, and I would like to call back to the witness table Attorney James Valentino and Rev. Russ Meek, if you please.

I have one further question that I would like to pose to Reverend Meek, if I can, and that is: You indicate, sir, that the Klan or the racists are in the suburbs who are, I suppose, supporting—did you indicate—the proposition of gun control and that they classify it or characterize it as an antiblack issue.

Reverend MEEK. Well, I may have paraphrased the U.S. Attorney General in a way which he didn't say "suburbs" but "rural areas" that they would take into account the antigun sentiment in the rural areas.

First of all, making a statement that there was no antigun sentiment in the congested areas, that was his intent and next it was that we know that the Klan flourishes in the rural areas and that we have just had a resurgence of it here in Illinois.

Now we know that the heart of the Klan was in Indiana in the rural areas so, therefore, one could take comfort in the fact that if one were a member of that organization, that here was a sort of implicit message: "Don't you all worry about it. We are just going to take the guns away from the niggers."

Now that is just the way it sounded, not only to me, but to a distinguished journalist, Ethel Payne, from the Chicago Defender. We disagree on the concept of gun control but we agreed on that because that statement gave fuel to that thought.

Mr. CONYERS. Yes, I understand; your position, then, is that you are not in support of the proposition as outlined by the Attorney General?

Reverend MEEK. I am not in support of any form of gun control.

I would be in support of or in favor of repealing every gun control law on the books.

Mr. CONYERS. The ones that preclude us from trafficking in sub-machineguns also?

Reverend MEEK. Right.

Mr. CONYERS. And antitank guns?

Reverend MEEK. Right. You only preclude those who are honest and law abiding as we found out recently on the west side when they raided a dope den and found a machinegun there. It only precludes those who have no desire to use them.

Mr. CONYERS. You would repeal the laws that preclude citizens from obtaining explosives and other equipment that is prohibited under the Federal law?

Reverend MEEK. First of all—well, yes, I would, because those are available to those that want to use them and we found that out when they bombed the FBI offices.

Mr. CONYERS. In other words, your position is that because people are illegally obtaining that which we have proscribed by law, that we should stop prohibiting it statutorily and make it available and legal?

Reverend MEEK. I didn't say make it available. It is already available to those who want to use it but I would make the penalties for using it not only different—I think it is different now but they should be enforced.

When a young man stayed in Cook County Jail for 4 years before he came to trial, that is not justice; and whether he was innocent or guilty no longer is the question.

Where we have a system of jurisprudence that allows a President to be pardoned by an appointed President, who was his choice, who was his choice really for Vice President and then we have an appointed Vice President who, in effect, orders the troops to carry out the massacre at Attica; where we have a situation that we know that there are two standards of justice and now all gun owners and people who are in favor, people who are allowed to protect them are being put in one category and here in these hearings we have 23 people testifying for gun control, more gun controls and even confiscation, and four allowed to testify against it and being paired, it creates a somewhat imbalance.

It makes one wonder; are you now going to go back to Congress after all of the hearings at which the people who evidently favor what most of you seem to favor; then you are going back to Congress and tell them that the will of the American people is against guns, which is not true, when there are hundreds of people who weren't permitted to testify here and thank goodness we have one man [indicating Mr. Ashbrook] that has a concept in line with the constitutional provisions of the document that our country is based on.

Now the Bill of Rights is not repealable.

Mr. CONYERS. Well I don't want to quarrel with you about the state of constitutional law and you have gone a little bit beyond the question that I have asked you.

Now let me ask you, Attorney Valentino, this: It was your suggestion in your statement before this subcommittee that in fact the Chicago police were particularly inappropriate to testify here in terms of how to reduce crime because they failed so miserably in terms of reducing it in the city of Chicago.

Mr. VALENTINO. I think you misunderstood.

Mr. CONYERS. You do not live in Chicago but you live in an outlying area?

Mr. VALENTINO. In the first place you are misquoting me.

I did not say "the Chicago police." I said the "high-ranking police politicians"; in other words, the political officeholders in the Chicago Police Department are not the ones who testified—or should have testified, rather.

I think you will find that the testimony of the individual police officers will be more in line with that Blue Light survey that is attached to my statement rather than the statements of the police——

Mr. CONYERS. Leaders?

Mr. VALENTINO [continuing]. The officials or the leadership over here. They have been ineffective in dealing with the problem.

Now let me point out——

Mr. CONYERS. I have a question and the reason that I asked that is because I was trying to lead into this question.

Mr. VALENTINO. Oh, excuse me.

Mr. CONYERS. Now that being the case, then, you suggest that the outlying areas would be the more logical place for us to inquire about how to reduce crime?

Mr. VALENTINO. That is right. The areas that have a lower crime rate should be asked why their crime rate is lower.

Mr. CONYERS. You mean you can't agree with the reasons that have been advanced here earlier today?

The medical panel which we had and one doctor, incidentally, a black doctor, Dr. Phillips pointed out that in the inner city there is a great amount of violence because of socioeconomic injustices.

I don't think that those obtain, at least certainly not in the same measures as they do in the inner cities, in the outlying areas; for example, in the suburbs or perhaps in your community.

Do you agree with that as a valid premise?

Mr. VALENTINO. My premise was that the doctor might have been absolutely correct by the way, in stating that there are certain socioeconomic injustices in the city. I think this is probably a correct observation.

The point I was making is that the committee has heard testimony, by and large from city officials, and has spent the bulk of today—the bulk of a day and a half listening to testimony of those people inside the city without having a comparison of the people from downstate, the people from the outlying areas who would like to testify as to their views.

Mr. CONYERS. Well the reason we did that is because the problem is in the center part of the cities. It is not in the suburbs. It is in the

inner city and the people that we have had testifying are the people who are charged with the responsibility of politically and legally and through the election processes determining what has gone wrong.

We certainly concede that there is much that is wrong or we wouldn't be here.

Mr. VALENTINO. I cannot agree with the statement that the suburbs do not have problems. We do have problems. We have the problems of socioeconomic injustices in the suburbs also.

We have had crime problems in the suburbs. The only difference is that the suburbs adopted a different way of dealing with their crime problems than the city of Chicago.

Mr. CONYERS. In what way; how was that treated?

Mr. VALENTINO. OK. Our suburb residents, they believe in helping each other. I live in an unincorporated area where there is no local police, yet when I go on a vacation or I am away from my home, I leave my keys to my house with my neighbors and if there is something suspicious going on around my house they come over to investigate, armed if the case calls for it.

We don't have a crime problem in my area because every neighbor is looking out for every other neighbor. If we see one neighbor being attacked, our neighborhood wouldn't dream of standing by and looking the other way. We would come to his aid.

Now I think you will find that our police departments will stand by the residents.

Mr. CONYERS. Well I thought you had told me just the opposite in earlier testimony, in which you said that everybody has to defend their own homes themselves and that you lived in an unincorporated village in which you didn't even have a police department and that you had to use the county sheriff. Isn't that what you said?

Mr. VALENTINO. That is right. I am saying that if the county sheriff is unavailable we defend ourselves.

Our neighbors look out for each other. We don't have a police department that we can rely upon.

It is the homeowners who are responsible, in our area, for the reduced crime.

Mr. CONYERS. Well, finally, what is the socioeconomic injustice that you find in the suburbs that is, in any measure, compatible with that which exists in the cities?

Mr. VALENTINO. I did not mean to intimate that it was the same measure exactly but we do have different economic classes. We have differences in races. We have differences in life standards, as you know, and not in the same proportion that you have in the city.

Mr. CONYERS. I am sorry to say that I don't think you understand what we are talking about when we talk about the socioeconomic injustices.

The reverend here has brought it up. His implication, if not in direct statement, is that we live in a racist society in which black people are treated manifestly different from white people—a fact which is reflected in the difference of the socioeconomic injustices that flow from people being forced to live in the inner city ghettos as opposed to people, other Americans, who have the option to move anywhere they want including, as you did, to the suburbs.

I think that, if you would talk with him about that distinction, you would appreciate that socioeconomic injustice and, specifically, racism, as he has articulated throughout his remarks, are certainly not evident in the suburbs, any of those towns and cities that surround the big cities in America, not just Chicago.

I yield to Mr. McClory for any questions or statements that he has and then I would like to recognize Mr. Ashbrook for whatever discussion he would like to have.

**Mr. McClory.** Mr. Chairman, I will be very brief.

We are being pressed now and I would forgo most of the questions that I have.

I don't believe that you gentlemen observed the opening statement or recall the opening statement which I made here in which I endeavored to indicate that the subject of gun control is just a small part of our concern about crime in America and particularly street crime.

We don't suggest that there is a very simplistic answer to a very complex problem. We recognize that there probably are some things we should do; that there are existing loopholes in the existing Federal gun control laws.

I have supported and—you should know, I haven't supported any legislation which would abolish the right of persons to own handguns or any kind of guns. I don't intend to suggest that I will support any such legislation.

We have constantly recognized the interest of the shopkeepers, the homeowners, and so on, and the legitimate, law-abiding citizens who have what he may feel is the protection for himself or herself.

We are also considering the subject of stiffer and mandatory penalties for those who commit crimes with guns.

We are, of course, concerned with trying to apprehend those who are using stolen firearms and who commit crimes with guns and I don't think that there is too much opposition to that sort of thing.

I just think that you should realize that we are trying to study and learn more about this whole problem as just one aspect of the subject of crime in America.

Now we have listened to a great deal of testimony, but it hasn't been all one-sided. The representative from the Chicago Crime Commission who was here yesterday—his testimony was, I would say, an equal castigation of the courts and the enforcement officials or their nonenforcement of gun laws as your own statement here today is.

We received a great deal of details with respect to the present administration of the law from the Alcohol, Tobacco, and Firearms Division of the Treasury Department and it has been essential for us to hear from public officials and from many, many others, and we welcome your testimony and your views but it does a disservice to this committee and even to your presence here to suggest that you are not getting an opportunity to express your position, your point of view or that the committee is not giving fair consideration to it.

I would like to assure you that we are and with that, Mr. Chairman, I will yield the balance of my time.

**Mr. CONYERS.** Mr. Ashbrook.

**Mr. ASHBROOK.** Thank you, Mr. Chairman.

I would ask the two witnesses whether or not they believe in mandatory sentences for firearms violations.

I detect that implicit in some of the things that you have said for the record and I would like to know: What is your position on that, Reverend Meek and Mr. Valentino?

Reverend MEEK. You see, first of all, that is a rather difficult question because if we had mandatory sentences for political corruption then I might agree to mandatory sentences. But there is not an equal distribution of justice in this country. I am opposed to crime and when you say mandatory sentence, you run into a roadblock.

You say a guy comes before a jury and the jury looks at him and they say, "We will give him 5 years," or, "No, we are not even going to give this one a conviction because he has a wife and family."

Now justice has to be dealt out in a term or period with the circumstances surrounding each individual case, carefully studied.

Now when you start talking about mandatory sentences, that might lead to something else because it is funny in this country as in no other country that what starts out to be correct and sounds good in the hysteria of the moment, and we certainly have hysteria now and I think the media should be impeached for what they have done to decent law-abiding citizens. That is why I don't recognize that from a crime.

So if a black man comes before a judge and jury and the judge says, "Gentlemen, give him the mandatory sentence."

And then if a white man comes before the judge and the jury the judge might say, "No, let him go."

So what is the assurance that a system of justice which has failed so miserably, so very miserably would be able to mete out equal justice all of a sudden?

Mr. ASHBROOK. Well this obviously is the basis for your statement and feeling then that most gun control laws, as proposed, and the ones advocated yesterday before this committee, in your judgment, would be against the interests of the black community you represent.

I take it that that is certainly or certainly has been true of your argument or with reference to your argument.

Reverend MEEK. Yes. Could I make this clear, Mr. Ashbrook, that also I recognize the fact that black people can be used as an instrument to get to the white people too because we all compose this country and therefore because I am interested in this country, then I am not willing to be put in the position of being used as an instrumentality to take guns away from whites either.

This is a very ticklish question and you realize that I am the only witness from the inner city. I am the only person who really lives in the heart of the so-called crime belt.

Even though I have opportunities and everything else, I live at Madison and Kedzie.

Mr. CONYERS. Do you know where the two black Congressmen and the Congresswoman live? They live in the same type of neighborhood.

Reverend MEEK. Yes. I do know where they live, but you see they travel and I know one, the Congressman, for instance, usually has two armed bodyguards with him.

Mr. CONYERS. Does he live in the inner city?

Reverend MEEK. No, he lives out in Indiana and I believe on the west side of the city Congresswoman Cardiss Collins lives.

Congressman Metcalfe lives on the south side and, of course, a lot of his time is spent in Washington and various other places so I am talking about the day-to-day living.

Mr. CONYERS. Well, what about Cardiss Collins?

Reverend MEEK. She is in Washington a lot, too.

Mr. CONYERS. But—well she works in Washington but lives in the inner city. She lives there when she is here.

Reverend MEEK. You can talk about the inner city but unless you are thoroughly familiar with Chicago—and I would like to have taken the committee on a ride down Madison Street like at midnight one night and if you really want to be familiar and talk about the area, just take that ride or take a daytime ride and I will let you go through some of the buildings that the people live in and see the young kids lined up against the wall after being stopped and frisked.

Mr. CONYERS. Well, that is what Cardiss Collins was testifying about also.

Reverend MEEK. No, she said that the people are afraid to go to church which I disagree with.

Mr. CONYERS. You mean that she doesn't understand the inner-city motivations?

Reverend MEEK. You are a good politician obviously.

Mr. CONYERS. Well, thank you very much.

Reverend MEEK. Well I am serious, very much so. I meant that as a compliment.

Mr. CONYERS. You are not such a bad politician yourself.

Reverend MEEK. This is my ward, the 27th ward which is the best in the city, right?

But I am saying that, you know, there are political considerations. The mayor has a position, and she is a Congresswoman, you understand that.

Mr. CONYERS I understand, but you wouldn't want us to come to the city of Chicago and not have the mayor testify as to whether he was pro or con on gun control, is that right?

Reverend MEEK. No, I am not opposed to the mayor testifying.

Mr. CONYERS. Fine.

Reverend MEEK. I support the mayor.

Mr. CONYERS. And you wouldn't want to stop the Congressmen or Congresswoman from testifying?

Reverend MEEK. I think the testimony should be taken in the manner in which it is given and know that because they say something, that it is not really what they really feel because there are political considerations to be taken into account.

Now if I were a politician—

Mr. CONYERS. Which you are.

Reverend MEEK. But nobody owns me because I am not running for office and there is a difference and nobody can tell me what to say. I have differed with the mayor on many issues.

I think he has been very honest about his position on gun control.

Mr. ASHBROOK. Let me ask a question, please.

Mr. CONYERS. I am sorry, I want to apologize. I thought that you had yielded your time.

Mr. ASHBROOK. No, I want to hear a few things they have to say and let's get to the next witnesses.

In light of what you just said, in light of your feeling with being in contact with your area of the inner city, let me just say this: Yesterday we had two witnesses who testified to polls that they had taken. I think one was the Dry Cleaners Association and the other was the Taxicab Association.



Reverend MEEK. Yes, I know.

Mr. ASHBROOK. Do you have any indication of what a poll in your neighborhood would indicate?

Reverend MEEK. Yes, I do.

Mr. ASHBROOK. What would that indicate?

Reverend MEEK. A poll in my neighborhood probably would show 99 percent for arming everybody who is honest and law abiding.

I was on WBBM radio show, a radio show, and they said that there was only one call opposing my position but all the rest of the calls took up my position and I was praised very highly.

Now the opposing person on the radio show was a State representative and he was for confiscating guns and all of this so I am trying to say that there has not been a poll taken really among the people.

Most of the cabdrivers stay in the Loop. They don't like to come out to the west side or the south side and I know that personally.

Their passengers will be a different breed from the people in my area and with the price of cabs today, not too many people in my community can afford a cab.

Mr. ASHBROOK. Thank you.

Mr. Chairman, I have a number of questions but I think in the interest of hearing the other witnesses I will suspend at this point.

Mr. CONYERS. Gentlemen, you have been most stimulating.

Reverend MEEK. Right.

Mr. CONYERS. There is, as you both suggested, an enormously complex issue here and no one regulation would end any of the myriad problems you have presented to us today with such articulateness and in a fine spirit, even though you have made some references to the committee about its fairness.

I hope that you will feel somewhat relieved in terms of the amount of time that we have accorded both of you in an attempt to compensate for what you felt was not your due justice.

Reverend MEEK. That is good politics.

Mr. CONYERS. Thank you very much, gentlemen, for appearing.

Mr. VALENTINO. Thank you.

Reverend MEEK. Thank you.

Mr. CONYERS. We would like to turn now to two other citizen groups. We would like to call them as a pair again.

Mrs. Laura Fermi is with us this afternoon and so is Mrs. Susan Sullivan.

Mrs. Fermi is founder and present president of Civic Disarmament Committee for Handgun Control, Inc. The citizens group is organized to seek stricter controls.

[Mrs. Fermi slipped from her chair and fell to the floor.]

Mr. CONYERS. That was an unfortunate slip, Mrs. Fermi, I hope you are all right.

Mrs. FERMI. Yes, I am fine.

Mr. CONYERS. And Mrs. Sullivan is president of the Committee for Handgun Control, Inc.

She has taught school in Chicago, has been active in numerous civic and community affairs, and if you ladies would introduce your associates that are with you, we welcome you before the subcommittee.

We do know of some of the important work you have been doing and we commend you for it and I would like to hear more about the

interesting challenge that has been made in connection with curtailing the use of ammunition as a dangerous substance.

With that, we will accept into the record your statements and allow you to proceed as you will.

[The prepared statement of Mrs. Ferini follows:]

STATEMENT OF LAURA FERMI, PRESIDENT, CIVIC DISARMAMENT COMMITTEE FOR HANDGUN CONTROL, INC.

The Civic Disarmament Committee for Handgun Control was organized in the fall of 1971 by a group of citizens whose goal was to reduce violence by handguns; there had been execution-style murders of twelve- and thirteen-year-olds by children of the same age, and we were concerned for our children and grandchildren (see Attachment 1, the history of our committee).

We wish to state our position immediately, and we shall repeat it later: We take no stand on long guns, which are the arms of sportsmen; instead we favor and work for a ban on possession of handguns by private citizens, with only a few exceptions. In this effort we speak for many organizations that have given us their written endorsement.

The following organizations, representing thousands of people, have already sent in their endorsement: Illinois Division, American Civil Liberty Union; League of Women Voters of Chicago; American Friends Service Committee, Midwest Regional Office; National Association for the Advancement of Colored People; Board of Church and Society of the United Methodist Church, Northern Illinois Conference; Illinois Federation of Women's Clubs; The Chicago Committee to Defend the Bill of Rights and the Alliance to End Repression, Commission on National Legislation; National Council of Jewish Women; the Administrative Board of Community United Methodist Church, Naperville, Illinois (see Attachment 2.) More endorsements may still be coming.

We engaged in much study and much research before taking our stand and before presenting our views to other persons. We sought the advice of experts; we studied the materials gathered by three Presidential commissions, as well as legislation both in our country and other countries, in all of which crime rates are lower; we compared statistics. We testified at hearings before city, state, and federal legislatures. One statement of our committee was published in *Gun Control Legislation: Hearings before Subcommittee No. 5 of the Committee on the Judiciary*, June 1972 (Serial No. 33), pp. 145-47 (see also Attachment 3, sample statement). We believe ours is the only organization of its kind that from its inception has steadily kept in touch with schools. We have talked to students and distributed information to them (see Attachment 4, Factsheets). Groups of students have attended our meetings on a regular basis.

More relevant to these hearings is a study that we did three years ago: we prepared a questionnaire on gun attitudes and knowledge that was given to 820 students from the 8th to the 12th grades in six private and public schools of Hyde Park and Kenwood. These two areas form a multiracial neighborhood around the University of Chicago. The results were analyzed by computer through data tabulation (see Attachment 5, Preliminary Report).

Over one-half of the families of these students (54.7%) owned at least one gun, and almost one-half (45.6%) owned at least one handgun. At that time, handgun ownership seemed to us surprisingly high, but the present national average is one handgun for every five, or at most six persons (depending on the estimated total number of handguns in the U.S.). The leading single reason that students gave for their families owning guns was home protection.

It is significant that more than half the students (55.2%) said they would not want to own guns, even if such ownership were legal. They adduced as their main reasons that guns are dangerous and that they make trouble. The students who would have wanted guns gave as their main reasons home protection and self-defense. (It seemed interesting to us that at this age-level the young people did not consider guns as a status symbol: only some 5% felt that a gun would improve their image and impress their friends.) Almost three-quarters of the students (73.6%) felt that gun laws are not strict enough.

The message from this survey seems clear: On the one hand: guns are good protection; on the other: guns are too dangerous for us to have, and they should be better controlled.

Mr. Chairman, we believe that the same ambivalence obtains among adults. It is mostly the fear of handguns in other persons' possession that drives people to acquire them. But the sense of security that handguns provide is illusory; it has only a psychological value. Recent studies have brought to light two important points:

1) Very few handguns are ever used against robbers, or other intruders. At least four times as many cause accidents, are stolen, or end in the hands of the wrong persons: criminals who steal them, and children. The armed robber always has an advantage over those he is robbing: he is wary and ready to fire—he *will* fire promptly at the least provocation. Besides, a gun kept in the house should not be loaded. All firearms authorities (even the National Rifle Association)—stress the threat to the family that a loaded gun constitutes. But the time needed to load a gun will give the robber an enormous advantage over his potential victim. Similar considerations hold for attacks in the streets: the most dangerous thing a person can do if confronted by an armed attacker is to reach for a gun.

2) There is a link between the number of handguns and the level of violence in a city or town. It is their great availability, the fact that they can easily be concealed and fired with one hand—so fast that the person who shoots has no time to reconsider—that makes handguns the main tools of violence. Two-thirds of all murders are not premeditated but result from the fatal combination of a fit of passion and the presence of a handgun. Many law-abiding citizens become killers in this way. Among them are youngsters who help themselves to the family handgun, a fact that is of deep concern to us. We know that as violence mounts, many people become frightened and acquire handguns in the hope of protecting themselves. There are thus more handguns around, leading to even greater violence and increased fears, a vicious cycle.

This spiral of fear has stimulated the adoption of very expensive security measures. Consider the cost of bullet-proof glass for taxicabs and many other uses: or of closed-circuit television for screening: we saw this first at cashier windows in banks, but now it is common in high-rise apartment buildings where it is used to inspect visitors. The total expenditure for security guards is enormous: such guards have become common fixtures of large office and apartment buildings, schools, hospitals, and public places. We recently learned that a school which routinely frisks its students for handguns has applied for funds to buy a metal detector (the Moseley School, as reported in *The Wall Street Journal*, March 12, 1975).

Mr. Chairman, we are living more and more as in a fortress. Is this what we want for our country? Don't we all have the right to freedom from fear? Yet unfortunately, the fears are well founded. The statistics speak for themselves. In 1973 the FBI reported over 10,000 homicides by handguns in the U.S., and over 240,000 robberies in which firearms, most of them handguns, were used. Very recently the FBI reported that in 1974 serious crime in the nation has risen 17% (the complete statistics have not yet been published). The murder rate in Chicago has reached a staggering 28.8 per hundred thousand population per year: 490 homicides were committed with handguns in 1974.

We are convinced that most of the fears, most of the killing and maiming, and a great part of the enormous suffering that statistics do not show, can be eliminated by removing handguns from circulation. Once this is achieved, Americans will not feel necessity to protect themselves with handguns.

Some, of course, will counter that all we need is better enforcement of existing laws. Mr. Chairman, the CIVIC DISARMAMENT COMMITTEE included enforcement in its agenda. We studied enforcement; we spoke with law-enforcement agents; and, more importantly, we conducted a program of court observing. Over a period of about one year and a half members sat regularly in courts where handgun cases were tried. At first we conducted our program independently. Later we joined the League of Women Voters of Illinois and the Chicago Crime Commission. It is with this careful preparation that we have come to our conclusions: we certainly agree that there is considerable room for improvement in the enforcement of gun laws in Chicago, and we shall keep trying to analyze the shortcomings and needs of each enforcement branch, standing ready to back sound proposals for change. However, one fact has emerged: It is extremely difficult to enforce local strict handgun laws, like those in effect in Chicago, when in the neighboring areas the laws are much less strict. There was recently a well advertised sale of handguns in Gary, Indiana; and we cannot imagine that some of those handguns have not found their way into Chicago, despite the provisions on interstate traffic of firearms in the Gun

Control Act of 1968. A study conducted by the Bureau of Alcohol, Tobacco and Firearms showed that 95% of the handguns confiscated by the police in New York City were originally sold outside the state of New York. We have written the Bureau asking for a similar study of handguns confiscated in Chicago. But we already know that handguns come to Chicago in a steady flow, and that their total numbers are not diminished by police confiscation and destruction of unregistered guns (close to 20,000 last year). Our court observations and the analysis of the available data have convinced us that in order to be enforceable gun laws must be enacted at the federal level.

Mr. Chairman, our experience and research; our interviews with authorities in the field of violence, firearms, and their control; our analysis of statements by experts testifying before local, state, and federal governmental bodies—all have strengthened us in our stand: We seek strong federal legislation banning possession of handguns by private citizens, with very limited exceptions.

We look upon you, as members of Congress, to lead us out of the fortress. Congress, with the great qualities of leadership that it has recently displayed to an unprecedented degree, is our best hope for meaningful, effective handgun control and the allaying of the fear, with which we live.

We do not believe that any measure which leaves the existing 40 million handguns in private hands can do the job. Handguns are very durable and it would take decades to reduce their numbers to a tolerable level and thus abate violence. The American people cannot wait decades. But if the ban we advocate is enacted, handguns confiscated by the police in the streets will not be easily replaced; as most citizens surrender their handguns, fewer will be available to be stolen from homes. The supply of handguns will soon dry up. We suggest that possession of handguns be limited to the military, law enforcement officers, licensed security guards, and licensed pistol clubs. Once conditions have improved, some further limitations could be considered.

Some say that love of guns is ingrained in American people, that it is the heritage of the frontier tradition. We answer that human life is more important than the preservation of a dubious tradition whose roots have long been dead. It is apparent that popular sentiment is rapidly changing: Individuals and organizations now have the courage to speak up. When we organized in 1971 we were told that we were the only citizens' group in the U.S. specifically concerned with handguns. But last November seven groups from all over the country and all seeking strict handgun controls met in Detroit. Next weekend these seven groups and other that have formed more recently will meet in Washington, D.C. Perhaps you will hear their testimony as you move your hearings from Chicago to other cities.

In Chicago, too, interest in handgun control is mounting, almost exploding: The Committee for Handgun Control was formed by residents of our Northern suburbs (at that time they were not even aware of our existence, but now we work in close collaboration). The Coalition of Concerned Women in the War on Crime, which focuses its attention on a ban of handguns, gave us our first opportunity to share experiences and join efforts with a large group of black citizens. We find excellent response when we present our views, in lecture forms to civic organizations and schools. We were able to enlarge our membership considerably by recruiting individuals and organizations in various parts of the country, whom we keep informed through a newsletter (see Attachment 6 sample newsletter).

Mr. Chairman and members of the Subcommittee, the will of the country has changed, and we must capitalize on this change. You are an influential legislative body; if after careful consideration of handgun problems you come to accept our stand, as we very much hope, you will be able to inform and educate your colleagues and the public about this issue and bring about legislation that will save many lives.

Thank you.

#### EXHIBITS OF THE CIVIC DISARMAMENT COMMITTEE FOR HANDGUN CONTROL

##### THE ORIGINS OF THE COMMITTEE

The Civic Disarmament Committee was organized in November 1971 by a group of Chicago southsiders with the assistance of members of the Law School of the University of Chicago, and with the support of several legislators.

CDC was established because of concern for the increasing handgun violence and the fact that younger and younger persons become involved in it, both as

shooters and victims. In its efforts to reduce this violence, the Committee has launched educational campaigns, promoted handgun legislation at different levels of government, and studied the possibility of improving enforcement of gun laws.

#### EDUCATIONAL ACTIVITIES

Working closely with neighborhood schools, CDC poiled 820 students on gun attitudes and knowledge. On the basis of the results, it then prepared outlines for high school research projects. More recently, CDC prepared a lecture accompanied by a brief film, and presented it to schools and interested groups.

The Committee also distributed information material through newspapers and directly to the public. In an extensive mailing, it circulated copies of the recommendations on handgun legislation by a commission on criminal justice (Chapter 9: HANDGUNS IN AMERICAN SOCIETY, of the Report of the National Commission on Criminal Justice Standards and Goals).

CDC members have participated in radio and TV programs.

#### LEGISLATIVE ACTIVITIES

Legislative action began in February, 1972, when a handgun resolution was introduced in the Chicago City Council. The resolution memorialized the U.S. Congress to enact the Hart bill banning possession of handguns by private citizens. CDC was instrumental in the adoption of the resolution, which was passed unanimously by the City Council.

Shortly afterwards the Committee sent copies of the resolution to the mayors of the 100 largest U.S. cities, urging them to take similar action. When the U.S. Conference of Mayors convened the following June, it adopted a resolution on gun control as strong as that of the Chicago Council.

In an effort to counter the action of the gun lobby, CDC has repeatedly testified before committees of both Illinois Houses and has written and submitted statements to the U.S. Congress.

To involve more persons and further legislative action from wider areas, CDC has built a network of interested persons and organizations (associates) throughout the United States. The associates receive CDC's monthly newsletter.

CDC collaborates with other organizations: it worked with members of the League of Women Voters of Chicago for the adoption of a study item on handguns at the Chicago level—now that the study is under way there is greater hope that a similar item will be considered at the national level.

CDC has also participated in the planning and launching of the National Council to Control Handguns: and more recently it has joined a new, interracial group of organizations to pool efforts toward a federal ban on handguns.

#### COURT VISITING PROGRAM

The court visiting program started in the Spring of 1972 and prompted these considerations:

—Chicago's gun laws, which are very strict, cannot be enforced effectively because the city is surrounded by areas where gun laws are much more permissive.

—As handguns are usually hidden from sight and recovered during searches, conviction of violators is hampered by civil rights considerations.

—There seems to be a substantial divergence of attitudes between the Chicago police and courts: the police seem to aim at many arrests; the judges seem reluctant to convict and impose prison terms. A dialogue between all branches of law enforcement is needed.

The court visiting program revealed the complexity of the problem of law enforcement and the need for citizens' involvement.

#### SPEAKERS

Experts in special fields spoke and answered questions at several CDC meetings attended by members and their guests. Among the speakers were a police officer, a judge of the Cook County court system, members of the Law School of the University of Chicago, members of the Illinois General Assembly a TV personality, and other authorities on guns and gun laws. These special occasions served to clarify issues and widen involvement in the handgun problem.

## STATEMENT OF THE CIVIC DISARMAMENT COMMITTEE

This statement is presented in behalf of the Civic Disarmament Committee, an organization of Chicago Southsiders seriously concerned about the violence due to handguns.

Mr. Chairman and members of the Committee, we urge you to recommend adoption of bill 395, introduced by Honorable Leland H. Rayson. We feel that a strong handgun control law is badly needed in Illinois.

Most handguns are not good for sporting use. They have become instead a major cause of fear and unrest in the cities. They don't spare suburbs, towns, or even rural areas. They discharge much too easily, before the person who fires knows what he is doing, and turn trivial quarrels into fatal accidents. The fatality rate in attacks and accidents with handguns is about five times the fatality rate with knives.

Let us mention a few examples: some time ago the father of three young children fell down the stairs of his suburban home; the handgun in his pocket discharged and he was killed. A 21-year-old suburbanite was accidentally shot to death during a struggle with his father. Recently a Chicago man heard noises outside his apartment; he had a revolver because in the past he had been harassed by youths; so he went into the hall and shot to death two boys, 16 and 17 years old, who were pounding on the door of a neighbouring apartment. If handguns had not been at hand, these persons would be still be alive.

We could cite many more examples, of course. Let us point out instead that the man who had a revolver because of past harassment is typical: law-abiding citizens are scared by the crime around them and acquire handguns to protect themselves and their families. But handguns acquired for protection are four times more likely to be stolen or cause accidents in the home than to be used against criminals. And when there are more guns in circulation violence goes up and causes more fear.<sup>1</sup>

Crime increases: according to the FBI Uniform Crime Reports for 1971, that year there were 1,079 homicides in Illinois. The report does not give the percentage due to handguns in Illinois. But averaging the nationwide and Chicago percentages, we may say that well over 600 of those 1,079 homicides were due to handguns.

In Chicago, 1971 was the peak murder year: there were 824 homicides of which 531 were by handguns. According to unpublished police figures, the number of homicides decreased to 711 in 1972. However, the proportion of homicides caused by handguns went up: it was 64.5% in 1971 and 69.5% in 1972.

With the rise in crime, the job of the policeman has become more dangerous. In 1971 five policemen were killed by handguns and the commander of our police district was seriously wounded. Nationally that year, 126 policemen were killed in the line of duty, 96 of them by handguns. No wonder that occasionally a policeman fears for his life and shoots too fast!

If this happens, more citizens who were not armed acquire handguns to protect themselves against the police and so add to the growing number of handguns in private hands.

At the same time we witness a most disturbing phenomenon: a sharp decrease in the age of victims and criminals. Last summer in Chicago a four-year-old girl shot herself to death with a handgun in her home. A few days earlier five boys and one girl were arrested for the murder and robbery of a 72-year-old woman—the booty was less than two dollars. According to figures furnished by the Cook County Coroner's office, in 1970, 45 children under 16 years of age died in shooting episodes. National statistics are hair-raising: between 1966 and 1971 the number of persons under 18 years of age arrested for murder went up 87%. In 1971 5% of all violent crimes were committed by children 13 and 14 years old, and 59.25 by persons 24 years of age or younger.

There are already some 25,000 firearms laws in the United States, but the majority of them are weak. The Illinois laws are no exception. For the last several months members of our committee have observed courts in which gun cases were tried. We have become aware of the great difficulties of enforcement. Firearms laws are not uniform throughout Illinois. The city of Chicago has strict laws, but they cannot be enforced because immediately outside the city the laws are more permissive. Handguns flow into Chicago in unlimited

<sup>1</sup> See: *Firearms and Violence in American Life*. A Staff Report submitted to the National Commission on the Causes and Prevention of Crime (Chapter 11). By George D. Newton, Director, and Franklin E. Zimring, Director of Research.

numbers. The State laws that prohibit carrying concealed weapons and the Firearms Owners Identification law present another difficulty: handguns are by their nature hidden from sight. A policeman usually discovers a handgun after stopping a person for another offense and making a "Protective search." When the case gets to the courts, the judge often rules that the search was illegal or that a person stopped for one offense cannot be tried for another. As a judge remarked to us, the only hope to reduce violence by handguns is in a ban on possession by private citizens.

Most civilized countries have some such ban and a much lower rate of crime by guns. In 1970 in Tokyo, with a population equal to that of Illinois, there were only 3 homicides by guns. Polls taken year after year show that a large majority of Americans favor stricter gun control laws.

Bill 394 is an excellent proposal: it bans possession of handguns, providing for reimbursement to owners and respecting the privileges of sportsmen. We realize that citizens who have acquired handguns for fear of guns in the hands of others may resist this legislation. But if we are to serve their interest and let them live without fear, we must reverse the trend fear, handguns, more fear. We can achieve this in Illinois by enacting H.R. 394. Illinois will then become a beacon for other states, and its new act will be a model for gun control legislation.

Thank you for giving us this opportunity to express our views.

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## CIVIC DISARMAMENT COMMITTEE FOR HANDGUN CONTROL

### THE GUN AND THE LAW

There are some 25,000 different firearms laws in the United States. Fortunately, they don't all apply to Chicago and we don't need to learn them all. Chicago residents must obey the firearm provisions of the Municipal Code of Chicago, the Illinois firearms laws, the federal Gun Control Act, and the postal regulations on firearms. This is still a lot of laws.

To make our task easier we shall summarize only the provisions of the Chicago, Illinois, and federal gun laws and the postal regulations that affect private citizens in Chicago. We shall not mention the laws which concern gun makers, dealers, and repairers.

### HOW GUN LAWS MAY AFFECT YOU

If you are under the age of 21, you are prohibited from buying handguns. If you are under 18, you are prohibited from having any guns of any type and from buying and selling guns.

Some other persons are not allowed to have, sell, or buy guns. They are: criminals, drug addicts, the mentally ill, and the mentally retarded.

If you own a gun, you must keep it in your home or place of business. No private citizen in Chicago is allowed to carry a gun on his or her person, in a car, or in any other vehicle. There are very few exceptions: for instance, members of target shooting clubs while on the club range, and licensed hunters and fishermen while hunting or fishing.

With very few exceptions, Illinois residents are not permitted to acquire guns outside Illinois or to bring guns into the state.

Nobody is permitted to buy in Chicago a handgun, air rifle or toy gun that can use an explosive without a permit of the Superintendent of Police.

Nobody is permitted to sell or give away in Chicago a handgun, air rifle or toy gun which can use an explosive without a license to do so.

Every gun must be registered with the Chicago City Collector.

Every gun owner is required to have a Firearm Owners Identification card issued by the State of Illinois.

Nobody is allowed to remove or change the serial number on a gun.

Nobody is allowed to send handguns by mail to private citizens.

Nobody is allowed to sell new Saturday Night Specials in Illinois.

### PENALTIES

Penalties for each violation of a law vary according with that law. The range is: fines from \$100 to \$5,000, or imprisonment for 6 months to 5 years, or both.



## WAIT A MINUTE, MR. GUNMAN

A man wakes up suddenly in the middle of the night. An intruder is pointing a gun at his wife and asking for the family cash. The man in bed keeps a pistol in the drawer of his night table, but the pistol is unloaded: one of the Ten Commandments of Gun Safety says "Guns carried into camp or home, or when otherwise not in use, must always be unloaded." A loaded gun is a threat to members of the family—many children have been killed or have been seriously injured by guns in their homes.

What can the man do now? Should he say "Wait a minute Mr. Gunman, until I load my pistol?" Should he reach for the pistol and act as if it were loaded? The intruder has his finger on the trigger. It's much safer to lie still.

There are more than 100 million firearms in civilian hands in the United States. Some 31 million are handguns: pistols and revolvers. The rest are long guns: rifles and shotguns. (Handgun numbers grow by 1,800,000 a year.)

Handguns are killers. They are not widely used by hunters, fishermen, or other sportsmen but are frequently chosen by people living in large cities like Chicago. They are inexpensive and can be concealed easily; they can be produced in an instant without warning and discharged at the touch of one finger.

Handguns do not provide good protection. In the home, four times as many persons die in handgun accidents as in scuffles with robbers, killed robbers included. Everywhere, the most dangerous thing a person can do when threatened by an armed attacker is to reach for a gun. Many handguns are stolen from law-abiding owners and thus increase the number of firearms in the hands of criminals.

Although handguns are only a little more than one-quarter of all guns in civilian hands, they cause many more injuries and deaths than long guns. In this country during 1973 some 19,500 people were murdered by firearms, 79.1% of these people, over 10,300, were murdered with handguns. If handguns had not been available, many of these murders could have been avoided.

Most murders are not premeditated. About 65% of all murders are the result of squabbles in the family, or between friends or acquaintances. In the course of a squabble someone gets very angry. If a handgun is at hand, it is fired. A person is killed, another will live the rest of his life with his impulsive act on his conscience. More persons are bereaved. If the enraged person grabs a kitchen knife instead of a gun, the victim has five times as many chances to survive.

Some 2,500 civilian Americans die in firearm accidents each year—40% are children or teenagers. Many of these accidents are due to handguns. The most dangerous of all are the very cheap and small handguns called "Saturday Night Specials." They may misfire, backfire, or discharge accidentally injuring the user. An Illinois law now prohibits the sale of new handguns of this type.

From 1970 to 1972, for each American soldier killed in Vietnam, two American civilians were killed in our country by guns, most of them handguns.

For our sake and for the sake of others we must give up our handguns.

## TOO MANY HANDGUNS

Handguns are a city problem that grows out of fear.

A law-abiding citizen learns that in his neighborhood there has been an armed robbery, or a rape at gunpoint, or shootings in the streets. He gets scared. He is afraid of guns in other people's hands, not in his own. So he buys a handgun to protect himself, his family and his home (but a handgun is not good protection. See our WAIT A MINUTE MR. GUNMAN). Other law-abiding citizens also are scared by acts of violence and buy handguns. The total number of handguns in the city goes up and there are more handguns in the homes.

Few of these handguns are used against assailants or robbers. More cause accidents or end in the wrong hands—the hands of criminals who steal them or of children who find them at home. More handguns come to be used; violence increases; more people get scared and buy handguns; and violence goes up some more.

In Chicago there are some 240,000 registered handguns plus the many handguns that are held unlawfully and are not registered. The total number can only be guessed, but it is certainly much too high for our own good. Crime figures are a proof.

Police records show that 156 persons were murdered with handguns in Chicago in 1965 and about 550 in 1973. Handguns were used in 3,880 robberies in 1965 and in 11,365 robberies in 1971. Handgun accidents also rose in this period, and



younger and younger persons become involved in violence both as users of handguns and as victims.

Chicago's crime rate increases despite the city's strict gun laws. One difficulty is enforcement. On the one hand the courts are overloaded and understaffed, and there are fewer convictions and lighter sentences than might be expected. In 1971 the Chicago police made 8,388 arrests for violations of gun laws, but only a part of the arrested persons were brought to court and even fewer were convicted. On the other hand the Chicago gun laws cannot always be enforced because outside the city limits there are different laws. This fact creates great difficulties for law enforcement officers and confusion for commuters and travelers.

This same confusion exists all over the United States. There are some 25,000 gun laws that have little relation to one another, and in some cases may even contradict each other. They treat American citizens according to where they live. The federal Gun Control Act, which must be obeyed by all, is weak.

We need strong federal legislation, and it is the responsibility of the cities to ask for it. The Chicago City Council and the U.S. Conference of Mayors have already petitioned the U.S. Congress to pass legislation that will outlaw the possession of handguns by private citizens, except in cases of great need and with provisions protecting sportsmen. The Chicago Police has taken a similar stand.

Now it's the citizens turn to speak up. For years polls have shown that the great majority of Americans are in favor of stricter gun controls. Our Committee surveyed 820 pupils (8th to 12th grade) of schools in our neighborhood: 73.6% felt that the gun control laws we have are not strict enough.

The majority wanting stricter gun control does not speak up forcefully enough. More powerful is the voice of the gun lobby, the people who oppose any attempt to control guns. Their slogan is "persons kill, not guns." In fact, handguns provide a great opportunity to kill and often turn scared or angry people into killers. People wanting to help outlaw handguns should write letters to legislators and newspapers.

#### TO MAKE CHICAGO SAFER

**THE MORE HANDGUNS THERE ARE** in a city, the more people get hurt and killed in accidents and crimes. Get rid of your handguns: destroy them or turn them in to the police. Tell your friends to get rid of their handguns too.

How many people do you know who saved their lives with a handgun?

**HANDGUNS IN THE HOME** are not good protection: an armed intruder has all the odds against you. Loaded handguns are more likely to cause accidents than to protect your family. A 4-year-old girl shot herself to death in her home. If, as the gun lobby says, "people kill, not guns," who killed this little girl? Get rid of your handguns and tell your friends to get rid of theirs.

**HANDGUNS IN THE STREETS** are not good for self-defense: the most dangerous thing you can do if you are confronted by an armed person is to pull out a handgun. Get rid of your handguns and tell your friends to get rid of theirs.

**HANDGUNS GET OFTEN INTO THE WRONG HANDS:** Some time ago 5 boys and 1 girl, from 9 to 12 years old, were arrested for the handgun murder and robbery of an old woman. Who was the lawful owner of the handgun in a child's hands? Don't give children a chance to become killers. Get rid of your handguns and tell your friends to get rid of theirs.

**FEDERAL AND ILLINOIS GUN CONTROL LAWS** are weak. This is one reason why Chicago cannot fully enforce its gun laws. Write again and again to senators and representatives in the U.S. Congress and in the Illinois General Assembly stating that you want strong, uniform handgun laws that will treat equally all citizens. Let's bombard legislators with letters. They should not receive letters only from gun lobby people who are always against any gun control. Write also to newspapers, and commentators on radio and television.

**ENFORCEMENT OF HANDGUN CONTROL LAWS** in Chicago is a problem. Our Committee wants to find out more about it. Think about the problem and make known any suggestions you may have. If you can arrange it, visit the courts where handgun cases are tried. Many of these cases come up in Racket Court, in the Police building at 1121 South State Street.

**HANDGUNS ARE A CITY PROBLEM.** The Chicago City Council, the U.S. Conference of Mayors, and Mayor Daley himself as an individual, all have come

out in favor of outlawing possession of handguns by private citizens. Back, in all ways you can, the city's efforts to stop the tragedies due to handguns. Write to legislators and newspapers. Get rid of your handguns.

PRELIMINARY REPORT, GUN-QUESTIONNAIRE PROJECT, SEPTEMBER 1972

A questionnaire of gun knowledge and attitudes in our neighborhood was prepared early this year by the Civic Disarmament Committee and was given to 820 students from the 8th to the 12th grade, in six Hyde Park-Kenwood Schools.

The answers were transferred to IBM cards. Results were tabulated by computer for the whole group of 820 students and for each of the six participating schools.

*Selected Findings for All Schools*

Percentages for any specific question are based on the total numbers of answers and blanks (no answer) for that question.

*Nature of the Sample.*—Of the 820 students in the sample 33.6% were in the 8th grade; 11.4% in the 9th; 6.9% in the 10th; 23.7% in the 11th; and 20.8% in the 12th. 48.5% were boys and 51.3% were girls. 93.1% were in the 13 to 17 age group.

*Gun Ownership.*—To the question "Does anyone in your family own a handgun?" 45.6% of the students answered "Yes," (49.6% answered "No," and 4.6% gave no answer). In addition, 35.0% indicated that someone in their family owns a rifle or shotgun. The largest single reason for owning a gun is home protection—60.3% of the students whose families have guns checked "home protection" as one of their reasons.

*Attitudes toward Guns and Gun Possession.*—To own a gun does not seem to be a status symbol among students in our neighborhood: only 4.3% of the students believe that a gun would raise their image, according to the answers to one of two leading questions, and 5.1%, according to the other.

In the opinion of 64.9% "guns are too dangerous to use unless you are an expert"; answers to other questions confirm this opinion.

To the question whether they would want to own a gun if it were legal, 41.7% answered "Yes" and 55.2% answered "No" (the balance did not answer or appeared ambivalent). The main reasons of the subgroup which wanted guns were: 1) home protection; (83.0% of the subgroup); 2) self-defense (72.8%); 3) need a gun to be safe in Chicago (61.7%). Only 5.8% checked "to impress your friends" as one of the reasons, a percentage in agreement with attitudes toward guns as status symbols.

The main reasons of the subgroup which did not want guns were: 1) Danger of accidents (82.8% of the subgroup); 2) guns make trouble (80.4%); 3) too much violence in our society (74.4%).

*Attitudes toward the Police.*—68.9% of the total sample believe that policemen should be allowed to have handguns, 55.4% would let them have handguns even if private citizens could not, and 66.3% don't feel that guns are needed as a protection against possible police abuse.

*Attitudes toward Laws.*—73.6% of the students think that gun laws are not strict enough, although 69.3% believe that stricter laws would not stop criminals from having guns and 52.4% believe that outlawing handguns would not make the streets safer. 74.8% feel that enforcement of our gun laws is not strict enough. 78.2% favor requiring that persons who want to own a gun take a test to prove they know how to use it.

*Knowledge about Guns and Gun Laws.*—33.2% of the total sample were taught how to use a gun—over half of them by a member of the family but 30.9% by a friend. (29.0% were taught by a camp instructor.)

Actual knowledge about guns is poor and so is knowledge about gun laws. To questions in this area the great majority of students either answered "don't know" or gave the wrong answer. The main single source of information about guns appears to be TV—62.1% checked "TV" as one of their sources. Next in importance are newspapers (53.7%) and "just by talking" (48.0%).

In the results of the questionnaire the Civic Disarmament Committee has found reasons for being concerned and reasons for being encouraged. The main point of concern is the misguided faith that students express throughout the questionnaire in guns as a means of protection and self-defense. No effort to reduce the number of handguns in circulation can be successful unless people realize how illusory is the sense of safety provided by a gun.

On the encouraging side are attitudes towards guns, for instance the extremely low number of students considering a gun as a status symbol. Also, the high percentage of students in favor of stricter gun laws and better enforcement is quite encouraging and in agreement with national polls. In this regard, we feel that students could be educated to express their views in letters to legislators and to newspapers, and in other ways, as the opportunity presents itself.

#### THE CIVIC DISARMAMENT COMMITTEE NEWSLETTER

Our thanks to all the members and friends who have sent in material for this newsletter; but we do request more. Perhaps it was a mistake to have suggested a deadline of the 5th of each month for sending in news items. Just send them in anytime.

Did you write to your Representative to support U.S. Rep. Michael J. Harrington's bill 12727? It is now in committee as H.R. 13249; but unless you write to Representative John Conyers, Chairman, Subcommittee No. 5 of the Committee on the Judiciary, House of Representatives, Washington D.C., 20515, requesting that he set a date for public hearings, that bill could die in committee! Please do write.

If you have been wondering whatever happened to the Daley Hearings of the Commission on handguns, here is the latest: A sum of \$15,000 was appropriated to hold 7 public hearings, and a report of the Commission's conclusions was supposed to have been ready by the end of March. But only one hearing has so far been held! The second will be held at Rock Island, tentatively, at the end of April.

Police Superintendent James M. Rochford's statistics for 1973 are as follows: there were 864 homicides, of which 615 were by firearms; and 548 of these 615 were by handguns; and were used in 11,069 robberies causing 3483 wounds (Chicago Sun-Times, March 2, 1974). If it is disturbing to note the steady climb in murder statistics, year by year, except for 1972 when it was slightly lower, it is even more disturbing to note that 366 of the above-mentioned 864 murder victims were either friends, acquaintances or neighbors of the murderers; and 144 of the 864 were either married to, had romantic relations with, or had a legal or blood relationship with the person who murdered them (Chicago Sun-Times, April 16, 1974).

There are now 518,000 guns registered in Chicago. About 100 additional guns are registered every day, but since about 100 guns leave the city every day, the number of registered guns in the city remains steady.

We have finally an answer to our enquiry which was made already when Mr. James Conlisk was the Superintendent of Police. The enquiry concerned the disposition of firearms confiscated by the Chicago Police. The reply now comes from Mr. Richard J. Brzezczek, Aide and Legal Coordinator to Superintendent Rochford: "Upon recovery or confiscation of a firearm, the recovering officer must prepare the appropriate reports for the Evidence and Recovery Property Section. The E&RPS maintains records on all property, including firearms, which have been seized by Chicago Police Officers. These records also include the records of those firearms ordered destroyed and give a detailed description, including serial numbers, if any, of the firearms."

Did you see the Today Show on Tuesday when Mrs. Sullivan from the Committee for Hand Gun Control, Inc., Winnetka, Illinois, and a member of the National Rifle Association discussed handgun control legislation? If you did and were in favor of Mrs. Sullivan's position, will you send a postcard to that effect to the Today Show, NBC news, 30 Rockefeller Plaza, New York, N.Y. 10020?

And finally, if all this violence and aggression are making us wonder if there is something essentially wrong in human nature, let us visit two remote communities in the hush of Kenya in Africa and see some nonaggressive, nonviolent human nature in action; this will prove to us that we were looking for the cause in the wrong place. First we'd visit the Korokoro tribe at Mulanjo, sit in the shade of Chief Munlusho Badiha's mud hut and watch the children of the village play. Norma Mohr, who writes the article in the New York Times, continues, "From children's play you can usually get some insight into the attitudes of their society. During the several hours I sat watching the children of Mulanjo, I saw none of the violence that is so common on playgrounds in other parts of the world and that is often mistaken for human nature. There was no pushing, kicking or visible hostility. Four children drew pictures in the sand with their fingers. Occasionally a child stumbled and accidentally wrecked part of a sand drawing.

Without showing any signs of irritation or any inclination to 'get even', the artist merely smoothed out the sand again, repaired the damage and continued drawing. In societies like this one, where children are pampered for the first two years, a crying baby is unusual. It almost always means pain. This one was screaming. He was about eighteen months old and his brother and the other children tried different techniques, the most remarkable response coming from a little girl not much bigger than the baby herself. She couldn't have been more than three years old. She patted him, spoke to him and caressed him. That didn't work. Then she walked to an area where a small herd of goats was passing.

With enormous difficulty she picked up a baby goat about her own size, and brought it stumbling and grunting under the weight of the animal to the crying baby and knelt down and offered the goat to the child. She entreated the baby to play with the animal, to pat its face, to talk to it. But this didn't comfort the baby either and so the goat was released." A friend of Norma Mohr's from the Kipsigis tribe said to her that his people have a phrase parents traditionally use when they must leave their children at home alone for several hours. Translated, it means, "if a stranger comes do not close him out," whereas, parents in other parts of the world, in similar situations, might say, "if a stranger comes don't let him in." (New York Times, March 9, 1974)

### TESTIMONY OF LAURA FERMI, PRESIDENT, CIVIC DISARMAMENT COMMITTEE FOR HANDGUN CONTROL

Mrs. FERMI. We are very grateful and honored that you asked us to testify.

This is Mrs. Roothaan, a founding member of the Disarmament Committee.

We understand that the gun people would like more time, so although we have prepared a very long statement, I will be glad to yield most of my time, and I would like to say what our stand is.

Mr. CONYERS. That is very generous of you.

Mrs. FERMI. After 4 years of war, we on the committee take a stand. We take no stand on long guns, but we favor and work for a ban on possession of handguns by private citizens, with few exceptions.

Now, in this sense, we speak for other leaders of organizations, and I would like to mention them.

There is the American Civil Liberties Union, the League of Women's Voters, and I forgot to say that they have given us their recent endorsement on our stand, and speaking of that, they are behind us.

There is the American Civil Liberties Union, the League of Women Voters, the American Service Committee, the National Association for the Advancement of Colored People, the Illinois Federation of Women's Clubs, the Chicago Committee To Defend the Bill of Rights, the Alliance To End Repression, the National Council of Jewish Women, and two boards of the U.S. Methodist Church and K.A.M. Isaiah Israel Congregation. Theirs was the last endorsement to arrive in time to include it into the record.

Mr. CONYERS. We will accept it into the record at this point.

[The endorsements referred to above follow:]

#### ENDORSEMENTS OF A BAN ON POSSESSION OF HANDGUNS BY CIVIC ORGANIZATIONS

The Illinois Division, American Civil Liberties Union is in favor of strong Federal legislation to ban possession of handguns by private citizens, with very limited exceptions.

FRANKLYN S. HAIMAN,  
*President.*

MARCH 24, 1975.

The American Friends Service—Midwest Regional Office is in favor of strong Federal legislation to ban possession of handguns by private citizens, with very limited exceptions.

DONALD E. MERTIE,  
*Executive Secretary.*

MARCH 24, 1975.

The National Association for the Advancement of Colored People is in favor of strong Federal legislation to ban possession of handguns by private citizens, with very limited exceptions.

JAMES E. RUSSELL.

MARCH 24, 1975.

The Chicago Committee to Defend the Bill of Rights, Alliance to End Repression, Commission on National Legislation is in favor of strong Federal legislation to ban possession of handguns by private citizens, with very limited exceptions.

RICHARD CRILEY,  
*Chairperson, Commission on National Legislation, Alliance to End Repression; Executive Director, Chicago Committee to Defend the Bill of Rights.*

MARCH 21, 1975.

The Illinois Federation of Women's Clubs is in favor of strong Federal legislation to ban possession of handguns by private citizens, with very limited exceptions.

MRS. ROBERT A. SEIDA,  
*IFWC Legislation Chairwoman.*

MARCH 25, 1975.

The National Council of Jewish Women is in favor of strong Federal legislation to ban possession of handguns by private citizens, with very limited exceptions.

SYLVIA R. MARGOLIES,  
*State Chairwoman, Public Affairs Committee.*

MARCH 22, 1975.

The League of Women Voters of Chicago is in favor of strong Federal legislation to ban possession of handguns by private citizens, with very limited exceptions.

ELINOR ELAMS,  
*President.*

APRIL 7, 1975.

The Board of Church and Society of the United Methodist Church, Northern Illinois Conference is in favor of strong Federal legislation to ban possession of handguns by private citizens, with very limited exceptions.

GREGORY DELL,  
*Chairperson.*

APRIL 1, 1975.

The Administrative Board of Community United Methodist Church, Naperville, Illinois is in favor of strong Federal legislation to ban possession of handguns by private citizens, with very limited exceptions.

JARVIS L. ———,  
*Chairman of Administrative Board.*

APRIL 4, 1975.

VINA PAULSON,  
*Chairman of Christian Social Concerns.*  
EUGENE H. WINKLER,  
*Pastor.*

Mrs. FERMI. Here are the statements of some of the organizations that I mentioned, for inclusion, that they prepared for inclusion in the record.

Mr. CONYERS. Yes; at your request, they are included in the record as additional statements from some of the other supporting organizations.

[The statements referred to follow:]

ILLINOIS FEDERATION OF WOMEN'S CLUBS,  
Chicago, March 25, 1975.

Hon. JOHN CONYERS, *Representative*  
*House of Representatives*

The following information is for inclusion in the Records of the Congressional hearing held in Chicago on Hand-gun control.

Resolution adopted, Illinois Federation of Women's Clubs Convention, 1974.

Whereas Untold lives have been endangered due to the indiscriminate sale and unlawful use of handguns in Illinois, therefore be it

*Resolved*, The Illinois Federation of Women's Clubs requests legislation establishing a law limiting the sale of handguns to such licensed persons and law enforcing agencies as necessary and penalizing unlawful possession of such handguns.

The consideration of your Congressional Committee on this most difficult problem will be greatly appreciated.

Mrs. ROBERT A. SEIDA,  
*Legislation Chairman, I.F.W.C.*

AMERICAN CIVIL LIBERTIES UNION, ILLINOIS DIVISION,  
Chicago, Ill., March 24, 1975.

Hon. JOHN CONYERS,  
*Chairman, Subcommittee on Crime,*  
*U.S. House of Representatives.*

DEAR REPRESENTATIVE CONYERS: I am writing to you on behalf of the Illinois Division, American Civil Liberties Union, to express our views on the often-raised question as to whether gun control legislation is a violation of the "right to bear arms" provision of the Bill of Rights.

It is the position of the ACLU that "the Supreme Court's long-standing interpretation of the Second Amendment that the individual's right to keep and bear arms applies only to the preservation or efficiency of a 'well-regulated militia' is correct. We believe that, except for lawful police and military purposes, the possession of weapons by individuals is not constitutionally protected."

Contrary to the view that gun control is a violation of our civil liberties, we believe that the widespread availability and use of guns in our society is a serious danger to the rights and freedoms of all of us.

Sincerely yours,

FRANKLYN S. HAIMAN,  
*President.*

BOARD OF CHURCH AND SOCIETY,  
NORTHERN ILLINOIS CONFERENCE,  
THE UNITED METHODIST CHURCH.

PETITION TO THE 1976 GENERAL CONFERENCE OF THE UNITED  
METHODIST CHURCH

February 20, 1975.

#### HAND GUN CONTROL—CRIME PREVENTION

Whereas The United Methodist Church has historically expressed concern for the increasingly serious problem of violence in our society, and because it is impossible to protect life and maintain public order when individuals have unregulated access to firearms; and

Whereas The recommendations of the National Commission of the Causes and Prevention of Violence endorses the elimination of private ownership and use of hand guns, except for extremely limited instances; and

Whereas Of the 100,000,000 guns in the United States, the 30,000,000 which are hand guns are used in over one quarter million murders, robberies, assaults and suicides each year;<sup>1</sup> and

<sup>1</sup> The National Council to Control Handguns, Washington, D.C. 20006.

Whereas The gun kept by a civilian for protection is six times more likely to kill a family member or friend than an intruder or attacker;<sup>2</sup> therefore, be it

*Resolved* That we petition the 1976 General Conference of the United Methodist Church to actively work for the passage of State and national legislation banning the possession of usable hand guns by private citizens with the exception of military personnel, law enforcement officers, licensed security guards and licensed pistol clubs for use on their premises.

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COMMUNITY UNITED METHODIST CHURCH,  
April 4, 1975.

CIVIC DISARMAMENT COMMITTEE FOR HANDGUN CONTROL

DEAR MRS. FERMI: Violent crime continues. The great increase in the crime rate throughout the United States calls for strong measures. We feel civilized people should do everything in their power to seek its reduction. That is why, after careful study of the handgun problem in the United States, we are writing to express our concern on this issue for inclusion in the records of the Chicago hearings.

The Administrative Board of the Community United Methodist Church, with recommendations from the Council on Ministries and the Christian Social Concerns Work Area, voted to endorse strong Federal legislation for the elimination of private ownership and use of handguns, except in extremely limited instances. This stand is in affirmation of the recommendation of the National Commission on the Causes and Prevention of Violence.

We feel it is time for passage of handgun control measures since public opinion has favored regulation of firearms since 1930. Also, we are aware of the strong vocal minority pro-gun lobby. However, we are also aware that seventy per cent of the American public favor gun regulation.

No longer can we continue to turn our backs on the violence in our society, that is daily before us, without eventually becoming an anarchy. According to the Eisenhower Commission, this Nation has little chance of curbing violent crime until handguns are no longer readily available to all comers.

Gun control legislation, we hope will be considered a high priority for the 94th Congress.

Sincerely,

VINA PAULSON,  
*Chairman Christian Social Concerns.*  
EUGENE H. WINKLER,  
*Pastor.*

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AMERICAN FRIENDS SERVICE COMMITTEE, INC.,  
MIDWEST REGIONAL OFFICE FOR ILLINOIS, WISCONSIN,  
AND NORTHWEST INDIANA,  
CHICAGO, ILL.

STATEMENT IN SUPPORT OF FEDERAL FIREARMS CONTROL

The Midwest Region of the American Friends Service Committee, with offices in Chicago, wishes to express its strong support for comprehensive federal legislation to regulate firearms. Although there is substantial unity among Midwest Quakers on this issue, no single body can presume to speak officially for the entire Religious Society of Friends because of its highly democratic nature and because Friends cherish their rights to individual opinions.

As a Quaker organization, opposed to violence as a means of settling personal, social, and international conflict, we feel strongly about the issues of international and civic disarmament and appreciate this opportunity to submit a statement to the Subcommittee on Crime.

The acute and accelerating problems of our rapidly changing society in the last half of the 20th century urgently demand federal action to bring the importation, manufacture, sale, purchase, transfer, receipt, possession, and transportation of firearms under reasonable and effective control. The wide range of violent activity in our cities and towns and the resulting and escalating fear

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<sup>2</sup> "Safer With a Gun? Don't Believe It!" Reader's Digest, February 1975.

have led to dramatic civic armament of explosive proportions. Only a comprehensive and national firearms policy can address this situation. Weak firearms laws at the national level have long been magnifying the central problems of violence and fear. The public deserves as much protection as can feasibly be provided against the danger of guns, the most lethal of instruments.

In order to keep firearms out of irresponsible hands, the American Friends Service Committee favors stringent laws regarding the registration, sale, interstate shipment, and the possession of firearms.

We urge the subcommittee on Crime to give the people of our country the kind of prophetic leadership that the times require as you develop in the coming months legislative approaches to this serious problem. We believe that handgun control is an indispensable step to insure adequate protection of the rights of the American people as a whole, whose safety—whose right to life itself—is being threatened by the continuing, easy, and uncontrolled availability of firearms.

LEAGUE OF WOMEN VOTERS OF CHICAGO,  
CHICAGO, ILL.

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TESTIMONY PRESENTED TO THE CRIME SUBCOMMITTEE OF THE HOUSE  
JUDICIARY COMMITTEE

The League of Women Voters of Chicago, appalled at the continuing killings on the streets and in the homes and business places of our city, in April 1973 voted to study handgun legislation and enforcement as relates to this city. There were few among us who did not know some neighbor, or more likely some neighbor's child, who had been felled by gunfire and so our interest in this item was inspired both by our philosophical reverence for life and by a very practical desire to preserve our own lives and those of our fellow Chicagoans.

As a result of our study the Chicago League now supports restrictive handgun laws with stiff penalties for all gun law violations. We feel strongly that this legislation would be most effective if passed at the national level, although we certainly do not rule out legislation at other levels.

Chicago is considered to have a very strict handgun law, but we find that it is not doing the job. The number of homicides is on the increase and the percentage of these homicides caused by handguns is also increasing.

We find at least two problems with the Chicago law.

First: It is permissive and not restrictive. Instead of restricting possession of a firearm to sportsmen and to those officers of the law who require it in their work it permits almost any citizen to possess a gun in his home or in his place of business. These guns are bought on the theory that they will offer protection from an intruder. But a high percentage of homicides are accidental, occur in the home and are committed not by criminals but by friends or family members. The gun bought to protect the home is more often the means of its destruction. Therefore we support restrictive handgun legislation.

Second: This law applies only to Chicago. But across the city line, and across the state line a steady stream of handguns continues to enter the city. It requires more than merely local legislation to control this traffic. Therefore we support legislation at the national level, as well as the local.

The political climate of the United States is moving toward a demand for more effective handgun control. Both Harris and Gallup polls have shown that citizens want tighter gun control. City mayors and police chiefs have been expressing the same views. It is an idea whose time is now and the League is looking forward to working for the passage of a good handgun control law in this Congress. Our members are notorious writers of letters and appearers at hearings. When an effective bill emerges from this committee you may be assured of our active support until our goal is attained.

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CIVIC DISARMAMENT COMMITTEE FOR HANDGUN CONTROL,

Chicago, Ill., March 16, 1975.

To: Friends of the CDC.

From: Laura Ferml.

We would appreciate your completing this form and returning it to us in the enclosed self-addressed envelope. This information will be useful to us in preparing for the gun control hearings which will be held in Chicago in the near future.



The K.A.M. Isaiah Israel Congregation, 1100 Hyde Park Blvd., Chicago, is in favor of strong Federal legislation to ban possession of handguns by private citizens, with very limited exceptions.

Rabbi GOSLIN.

APRIL 7, 1975.

Mrs. FERMI. Yes, this is the signed endorsement and these are the statements and some others may come directly to you.

I would like only to add that the mood of the Nation has changed.

I would like to say that when we were organized we were told that we were the only group of citizens specifically interested in handguns, but last November in Detroit we met with seven groups from all over the country and they are all working in one form or another for the banning of handguns.

Next weekend we are going to meet again in Washington with those seven groups and with newly formed ones.

So really we feel that the interest has spread greatly and we hope that as you go and hear their testimony you may come closer to our stand and then we feel in that case you will pass legislation that saves many lives.

We are immensely impressed by your performance, the performance of Congress in general and your subcommittee in particular.

Thank you.

Mr. CONYERS. We thank you very much and we will consider very carefully those statements that will be forthcoming.

Mrs. FERMI. And perhaps, I mean we gave explanations of why perhaps others might be interested in this endeavor.

Would you want to just add very briefly a thought about our work with the schools?

Mrs. ROTHMAN. Yes.

Mrs. Fermi asked me to draw attention to the survey that we did in our community.

I wouldn't want to get into debate with Reverend Meek as to whether any city is an inner city or an outer city.

We have given the report of our survey and there was mixed results. It was a multiracial survey and we feel that these are the citizens of tomorrow.

We also feel that these students represented a great deal of ambivalence, as you people have been observing, and they have a great awareness of the complexity of the problem.

Half of the students said that they would like to own guns but put "home protection" as their major reason. And the other half said they wouldn't like to own guns because there is too much violence in our society and guns only make trouble.

Furthermore, three-quarters of all of the students said that gun laws should be restricted.

Now we don't feel that they are any more decisive than the adults but we appreciate your looking over the data and really we are looking for your leadership to get the guns out of circulation and get us out of all of the problems that we are now faced with.

We know and we recognize the desires that people have to own guns but we in the cities and out of the cities are well aware of the problems that guns bring with them.

We know that guns make problems and more guns will make more problems.

Mr. CONYERS. I will say that students with divergent views are not much different than the Members of Congress. I can assure you of that.

Mrs. Sullivan, would you tell us a little bit about what your organization has been doing, particularly on one point, in terms of the control of handgun ammunition as a "dangerous substance" under current Federal law.

**TESTIMONY OF SUSAN SULLIVAN, PRESIDENT, COMMITTEE FOR HANDGUN CONTROL, ACCOMPANIED BY MRS. KOLEC AND MRS. JACOBSON**

Mrs. SULLIVAN. I would like to introduce Mrs. Kolec and Mrs. Jacobson.

We welcome the House Judiciary Committee, the Subcommittee on Crime, to Chicago.

In the interest of time we will restrict our formal remarks and welcome questions on ammunition that you would like to ask.

I would like to speak of our committee itself and what it has done and I would have Mrs. Kolec say a few brief remarks about our position in general.

The Committee for Handgun Control, Inc., was organized in September of 1973 by a group of concerned citizens. We are registered in Illinois and have registered lobbyists in Washington.

Our purpose is twofold: To bring to the attention of the public the threat that the indiscriminate sale and easy availability of handguns imposes on our society and to encourage effective legislation.

We seek to represent the 70 percent of the American people that want strong gun control.

We represent those who are plainly outraged by reading the newspapers and watching the television news with respect to the situation of violence in our country today.

We understand that in other countries it is safe to walk the streets and we would like to represent the people that know that this is the only civilized country in the world without strong gun control.

We are appalled by the fact that more Americans have been murdered by gunfire in the United States since the death of Robert Kennedy, than were killed in southeast Asia during the entire period of the U.S. involvement there.

We represent those who, if you do nothing, will, in a few short years have to carry a gun: every man, woman, and child, in order to walk the streets in our urban areas without fear.

We can truthfully say that the letters that we received are pouring in from all over the country and that these letters are a chronicle of the truth that handgun control is an idea whose time has come.

It is time for the people to be heard and we will not be defeated. To these ends we have had many projects in the last 2 years.

We are perhaps most noted by the publicity as a direct result of our petition to the Consumer Products Safety Commission to control handgun ammunition as a hazardous substance and have it come under the Hazardous Substance Act as a consumer product.

Our successful Federal law that we won last December has caused the Consumer Products Safety Commission in Washington to consider

our petition—that is, to ban the sale of handgun ammunition with the exception of police, military, licensed security guards, and licensed pistol clubs—on its merits.

Our bullet proposal is, in its entirety, in the testimony.

I would be happy to answer any questions you might have on the subject, but today we are talking about the possibility of controlling handguns themselves, and I would hope that Mrs. Kolec would address herself to that.

Mr. CONYERS. Fine.

[The prepared statement of Mrs. Sullivan follows:]

STATEMENT OF SUSAN SULLIVAN, PRESIDENT, COMMITTEE  
FOR HANDGUN CONTROL

The Committee for Handgun Control, Inc. was organized in September, 1973, by a group of concerned citizens. It is a registered not-for-profit corporation in the State of Illinois and is a registered lobbyist in the U.S. Congress. Its purpose is twofold. First, to bring to the attention of citizens the threat that the continued indiscriminate sale and use of handguns imposes on their society. Secondly, to encourage legislation and effective enforcement which will insure responsible and workable control over the importation, sale, manufacture, and distribution of handguns. The Committee's sole concern is with the handgun, the concealable weapon, the tool of the criminal.

The Committee was begun originally by Susan Sullivan, Patricia Koldyke, Florri McMillan, and Lessie Davison. Explanatory letters were sent out and our committee of 200 active members was formed.

Since that time the Committee for Handgun Control, Inc. has been involved in the following pursuits. It has:

Compiled comprehensive research files.

Supplied informative material to the press and radio and television media, and urged them to take a strong handgun control position.

Members have testified before the Illinois Legislature (Dec. 18, 1973); Chicago City Council (Oct. 11, 1974); Tenth Congressional District Democratic Party Pre-Convention Hearing (May 26, 1974); Handgun Study Commission. (Typical testimonies are attached—Exhibit 1.)

Been responsible for thousands of letters to legislators, the President, the media, as well as Letters to the Editors columns. (See examples attached—Exhibit 2.) Members have appeared on numerous radio and television talk shows—including the Lee Phillip's Show—WBBM-TV Chicago; the Jori Luellor Show—WMAQ-TV—Chicago; a two hour NBC South Carolina radio show; the Today Show in New York; a special on Eyewitness Chicago, by John Drury—WLS-TV; WTOP—Washington, D.C.; CBS National News; ABC National News; and the 9 a.m. Morning Show. (See Exhibit 3.)

On May 14, 1974, the Committee sponsored a free public forum at the Palmer House in Chicago, entitled "Crime and the Handgun." Six prominent speakers addressed themselves to different aspects of this complex problem. Television personality, Mr. Roy Leonard, was the moderator. The panelists were Franklin E. Zimerling, Professor of Law and Co-Director of the Center for Studies in Criminal Justice at the University of Chicago; Michael A. Spiotto, Deputy Superintendent, Bureau of Investigation of the Chicago Police Department; George D. Newton, former Director of the Task Force on Firearms for the National Commission on the Causes and Prevention of Violence; Henry D. Betts, M.D., Vice President and Medical Director of the Rehabilitation Institute of Chicago; the Honorable Arthur R. Dunne, Judge of the Circuit Court of Cook County. (See Exhibit 4.)

The Committee has printed two informative booklets on the problems of handguns, and bumper stickers which read "Caution—Handguns May Be Hazardous to Your Health." It has compiled informative packets for students, the press and interested parties. (See Exhibit 5.)

Our current active membership is difficult to assess as we have no official membership drive and no dues. However, the active supporters are in the thousands. Although we have engaged in no direct fund raising activities in the first year and a half, we have had many donations from people sharing our concern and our

goal. These donations are not tax deductible and we are not subject to pressures from any business lobbies or political groups.

The Committee has worked closely with individuals and groups throughout the country and have helped form new groups. A national Conference of Pro Gun Control Groups was held on November 16 in Detroit. We have been in contact with these groups and our coalition will meet again in Washington on April 19. Our president of the Committee for Handgun Control, Inc. currently serves as a Director of the National Council to Control Handguns, 1910 K St. N.W., Washington, D. C. 20006, and is a member of National Coalition to Ban Handguns, 100 Maryland Ave. N.E., Washington, D. C. 20002.

The Committee found that national legislation was difficult in 1973 and early 1974 since it must be passed by the House Judiciary Committee, which was dealing with the Nixon impeachment, so it initiated a drive to control another hazardous product, ammunition. In June, 1974, we petitioned the Consumer Product Safety Commission to ban the sale of handgun ammunition as a hazardous substance. The ban would extend to all but law enforcement officers. The military, licensed security guards and licensed pistol clubs. In July our petition was accepted. The CPSC stated that they did have jurisdiction and August 26 was set as the possible hearing day. Notice of said hearing was published in the Federal Register. The date was rescheduled for September 30 at our request and again notice was published in the Federal Register. During this time we were able to muster up fantastic support with the help of our lawyer, Michael Hausfeld, partner of Harold E. Kohn, 1776 K St. N.W., Washington, D. C. 20006.

Six police chiefs of major cities (including Boston, Detroit and Pittsburgh) had agreed to appear in person and show proof that bullets are indeed a most hazardous consumer product.

Superintendent James Rochford of the Chicago Police Department, in a letter to us stated, "The unique approach of banning handgun ammunition as a hazardous substance under Section 10 of the Consumer Product Safety Act, is one that is enthusiastically endorsed by the Chicago Police Department." He further said, "By classifying handgun ammunition as a hazardous substance would constitute a major advance in reducing the incidents of crime and violence."

Phillip G. Tannian, Chief of Police of Detroit, Michigan, said, "It is a very shocking thing to note that in this nation last year (1973), a violent crime (murder, rape, aggravated assault, and robbery) was perpetrated every thirty-six seconds. If we, the people of the United States, don't have the moral integrity, internal fortitude, or plain good judgment to do something about the causes of crime, which are painfully evident, then we must bear our share of the responsibility."

It is my belief that the present firearms laws are inadequate. The proposed measures to ban ammunition is, in my opinion, an excellent means through which we can deal effectively with the firearms threat. I hereby reaffirm my support and the support of the Detroit Police Department for some action by the CPSC."

Without warning, and in a closed meeting on the night of September 5, the Commissioners of the CPSC voted four to one to not exercise their jurisdiction and summarily cancelled our public hearing. One Commissioner called it a "back door attempt to ban pistols themselves". "The practical effect of the requested ban on handgun bullets, if successful, would be a virtual ban on handguns," the Commission found.

They further stated, "that Congress has not intended to confer that jurisdiction on the CPSC." (This was done against the advice of their own counsel.) Because we felt this was arbitrary and a capricious decision, a direct result of political pressure, our lawyer urged us to take the case to court. Accordingly, on September 20, members of this Committee flew to Washington and filed a complaint against the CPSC in Federal Court, District of Columbia. (See attached Exhibit 6.)

In Chicago our Committee has been working along similar lines with Alderman Marylon Hedlund to sponsor a Chicago city ordinance which would ban the sale of handgun ammunition as a hazardous consumer product within the city limits. On October 11, this was passed to the Committee on Police and Fire, chaired by Alderman Edmund Burke. The matter is still pending.

We have also been working on a state level: we are assisting State Rep. Robert Downs who, with Rep. Leland Reyson, has introduced HB 890 and HB 891 which purports the ban of handguns and handgun ammunition. (See attached—Exhibit 7.)

On December 19, the U.S. District Court, Washington, D.C., Judge Thomas A. Flannery ruled in favor of the Committee for Handgun Control, Inc. He stated that handgun ammunition was under the jurisdiction of the CPSC, and ordered them to consider, within sixty days, the proposal to ban the sale of handgun bullets as a hazardous substance on its merits. The CPSC published our petition on February 14, 1975, in the Federal Register and asked for written comments to the CPSC, Washington, D.C., 20207, until April 15. Since the Committee for Handgun Control, Inc. won this lawsuit these things have happened:

In January, the CPSC decided not to appeal the lawsuit.

In January, Representative John D. Dingell of Detroit filed a suit in Federal District Court, Washington, D.C., to reopen our suit.

In February, the National Rifle Association filed a Motion to intervene in Federal Court. In this suit, the National Rifle Association did not argue that ammunition was considered a hazardous substance. They argued that ammunition is not a consumer product. The following is a direct quote from the suit filed by the NRA: "Ammunition is intended or suitable for use in the open, in woods, in fields and on shooting ranges. Ammunition is *not* intended or suitable for household use." (U.S. District Court Civil Action #741387 dated the 20th day of January.) A consumer product, however, as defined in the Consumer Product Safety Act, is any article or component part thereof produced or distributed for sale to the consumer for use in or around a permanent or temporary household or residence, a school, in *recreation* or otherwise, or for the personal use, consumption or enjoyment of a consumer.

The Court ruled in favor of the Committee for Handgun Control in all instances and on February 14, 1975, denied motions by which the National Rifle Association, Senator Ted Stevens, and Representative John D. Dingell sought to intervene in the litigation.

Since that time our lawyer has:

1. Asked for an extension for the time of written responses.
2. Asked for a public hearing to better explain our position since we had not previously been given a public hearing.
3. Asked the CPSC to use its usual methods of communication in the press and media, to inform people of our bullet petition. (The CPSC previously had used the wire services and their extensive media connection sources to deny our petition on bullets in September of 1974.)
4. Filed a Motion of Discovery of the National Rifle Association and others exerting undue pressure put upon the CPSC.

All our requests have been denied.

Senator McClure of Idaho introduced Senate Bill 143 on January 15, 1975, which would "prevent the CPSC from dealing with ammunition." This Bill was sent to the Senate Commerce Committee and Senator Magnuson asked the CPSC for its comments. The CPSC in a letter to McClure requested to have jurisdiction of ammunition taken from them. In further action, the CPSC introduced Senate Bill 1000 in which it asked for a 51 million dollar budget for 1975 and expressed a desire to have ammunition removed from their jurisdiction, after having spent 60 million dollars as their budget for twenty months.

On our behalf our lawyer sent a letter to all of the Commissioners of the CPSC and to Judge Thomas Flannery stating that the CPSC is not obeying its orders of the Court in listening to our petition on its merits. Rather, the CPSC is actively trying to dismiss jurisdiction. This would seem to be a result of outside pressure.

The CPSC recently quoted these product related statistics. There are annually 30,000 deaths related to use or misuse of all consumer products, which the Commission presently regulates. There are approximately 20,000 deaths annually caused by gun ammunition alone!

Chairman Simpson of the CPSC has said, "The public should expect all who come before the Commission to get a fair shake." The Committee for Hand Gun Control is still waiting for that fair shake.

Simpson says, "We will not arbitrarily restrict our jurisdiction by narrow interpretation of the law." Even with specific court order affirming the Commission's jurisdiction over ammunition, the CPSC failed to seriously consider regulating this product in the interest of consumer safety.

Finally, Simpson says, "You should expect us to be held accountable for our actions as well as our inactions—with no copouts." We find the Commission's inaction on the petition to ban handgun ammunition to be the ultimate copout.

Since January, 1975, we have been trying to tell our story about our ammunition petition and the CPSC. We have:

1. Organized a speakers' bureau and writers' bureau, compiled informative folders, and trained numerous people who are prepared to do radio and TV shows, as well as speak to interested groups. For example, we have addressed the National Association of University Women; Logan Square Lions Club of Chicago; Sauganash Community Council of Chicago, etc. This has been a far reaching and successful effort.

2. Write informative articles for national publications. (See attached press clippings—Exhibit 8.)

3. We are most appreciative of the wonderful help given to us by Marion Howington and her creative group, and by Derek Norman and Bill Barr of the Chicago office of J. Walter Thompson Advertising Agency. They donated their creative services to our Committee and produced our ad campaign "You need bullets like you need a hole in the head." We have used this theme on bumper stickers, buttons, and on ads appearing in public papers as the Chicago Sun Times and the Chicago Daily News. Our posters have been seen on ABC, Reasoner national news, and also on CBS, Dan Rather national news. They have also appeared in Time Magazine and in U.S. News and World Report. (See attached—Exhibit 9.)

4. On Friday, January 31, the Committee for Handgun Control, Inc., held a press conference in the office of Richard Elrod, Sheriff of Cook County. We announced the initiation of our campaign to ban the bullet and the support of prominent people such as Sheriff Elrod, Deputy Superintendent Kalacky representing the Chicago Police Department, General Francis Kane representing Mayor Daley, Terrance Sullivan, Assistant States Attorney; prominent judges such as Keane Wendt, Arthur L. Dunne; prominent business leaders, civic groups church and medical leaders and the Chicago Crime Commission. We received TV coverage on all Chicago stations and stories in all major Chicago papers. (See attached—Exhibit 10.)

5. We have set up a Committee of students. We have sent hundreds of booklets and papers. We have referred speakers to schools for the education of their students, and urged the formation of student groups to foster an interest in the problems of handgun misuse.

6. We have set up a fund raising committee and have dealt head on with the problems of being a lobby group so that funds to us are not tax deductible. However, funds to the National Sporting Goods Foundation and to the National Rifle Association can be received from large manufacturers and are not subject to taxes since it is considered a legitimate business expense. It is also interesting to note that our Committee is all volunteer. However, since we are trying to change legislation, our personal expenses, i.e., telephone, gasoline, babysitting charges, are not deductible from our own personal income taxes.

7. Our members have been working with judges, doctors, lawyers, church groups and other organizations to take an active role in working for responsible gun control. (See attached—Exhibit 11.)

The following are examples of letters we have received from people of every walk of life, including the prominent, the less prominent and families of victims of shooting tragedies.

"As a wife, mother and a concerned citizen, I am deeply in favor of the banning of handgun sales and the banning of ammunition sales. Recently an acquaintance of mine was shot and killed by a family member because a handgun was kept in the home. I think that legislative action should be taken immediately to ban the sale of handguns and handgun bullets."—Mrs. Peter Pagonis, 3150 N. Melvina, Chicago, Illinois 60634.

"The waste of human life and/or limb in our own metropolitan area because of handguns boggles my mind—and has since I began my specialty training in surgery at the University of Chicago in 1959. In fact, I authored a paper on penetrating injuries of the chest because of the enormous amount of shootings that I encountered on the South Side of Chicago—most of which were the result of handguns.

"However, I think that it is essential that responsible legislators realize that crimes and injuries resulting from handguns are not restricted to the inner city or to the poor. In my own private practice of surgery at the Evanston Hospital, I have had to treat numerous handgun injuries, many of which were almost fatal, which occurred in towns such as Evanston, Glenview, and (yes) Kenilworth.

"Your organization work is important to the welfare of our society, and I fervently hope that effective restrictions will soon be placed on the manufacture and sale of handguns—and their ammunition."—Willard A. Fry, M.D., Asst.

Professor of Surgery, Northwestern University, Attending Surgeon, Evanston Hospital.

"I just read the article in today's Tribune and my husband and I would like to help with the proposal to ban bullets. Please let us know what action to take so we may assist. It is time for us "average citizens" to lash out against this sick mania for guns. We wish you much success."—Mrs. John DiBerardo, 343 Addison Road, Riverside, Illinois 60546.

"Hopefully, the enclosed petitions will assist you in your efforts to gain effective legislation to control hand guns and ammunition. Thank you for your interest and unceasing efforts on behalf of all society. Keep up the good work."—Michael A. Spiotto, First Deputy Superintendent, Chicago Police Department.

8. We have been answering questions on gun control by telephone and have an answering service in Chicago. Our telephone number is 312-332-0514. We have been responding to written inquiries sent to our mailing address at 111 East Wacker Drive, Tenth Floor, Chicago, Illinois 60601. Of our correspondence, 75% is in our favor. We receive approximately one hundred letters per week. Our negative response is usually generated from the National Rifle Association. (See attached—Exhibit 12.)

9. We have been in the process of collecting petitions and surveys. Attached are the numerous petitions we have gathered. (Exhibit 13.)

The survey results are as follows:

Jori Lueloff—TV survey on bullets in Chicago: 85%—yes; 15%—no; polls taken by Ill. State Rep. Houlihan—13th Dist. on question "Should possession of handguns be limited to law enforcement officers?"—Yes—85%; No—15%; poll taken by Rep. Abner J. Mikva in Tenth Dist. (Ill.) for banning handguns—Yes—81%; No—15%.

We are currently assisting in sponsoring surveys in drug stores and dry cleaning stores in Chicago.

This data supports our idea that over 75% of the American people want strong gun control. However, a small but monied lobby has forced a minority view upon the American people.

10. Our Committee has been informing legislators on a state, local and national level. Just this week we have sent a letter of our Committee's background and goals to every Congressman in the House of Representatives and Senate. We are in the process of doing the same to every state legislator in Illinois.

On April 1, 1975, the Village of Skokie, the largest village in the country, introduced a resolution by Mayor Al Smith. This action was initiated by a member of our Committee. The precedent-making proclamation was addressed to your Subcommittee on Crime and states "a request for reasonable regulations on the sale, distribution and manufacture of handguns". We are now in the process of contacting every Mayor in the state of Illinois.

11. We have established a research committee to read and study pending legislation.

12. We have sent over two hundred letters to celebrities and leaders of the community, and have received support from such people. (See attached—Exhibit 14.)

13. We have been working with the League of Women Voters, the YWCA, and the National Coalition To Ban Handguns. The following groups are full members of that coalition, and we have been in contact with them both nationally and locally: American Jewish Committee; B'nai B'rith Women; Center for Social Action—United Church of Christ; Church of the Brethren; Friends Committee on National Legislation; National Council of Jewish Women, Inc.; The National Council to Control Handguns; National Education Association; The Program Agency—United Presbyterian Church; Union of American Hebrew Congregations; Women's Division—Board of Global Ministries, U.M.C.; American Civil Liberties Union; and National Conference of Christians & Jews.

14. The Chicago Regional PTA, with a membership of 80,000 is a cooperating agency to our Committee. In January, 1975, under Section 3, Item 14 of their platform, they adopted "a request for Federal legislation to control the manufacture and sale of handguns and handgun ammunition". This group is working very closely with us and has distributed our petitions to all Chicago Police Departments.

The Illinois Congress of Parents and Teachers in 1967 added to their platform a request for "effective legislation to control the sale, distribution and possession of firearms".



15. The Committee for Handgun Control Inc. is writing its first newsletter to urge people to write legislators, join our committee, form groups of their own in their own area, or be generally informed of the current status of gun control.

#### STATEMENT OF POSITION—COMMITTEE FOR HANDGUN CONTROL

We have been asked to state the problem as we see it.

It is shocking to realize that the problem may be stated so simply and has been repeated and described so often that we in this country are becoming hardened and cynical with respect to its terrible significance. Crime in the United States is escalating at a staggering rate. It is just that bold and just that bald. As David Steinberg, of the National Council For a Responsible Firearms Policy, Inc., has said, "What statistic are we waiting for?"

We are aware that the causes of crime are many and complex. Violence on television and in the movies has done much to create easy acceptance of an atmosphere of crime and to perpetuate the frontier mentality that the gun is the law. We also consider it an indisputable fact that the lack of swift and sure punishment in our courts contributes to the breakdown of law and order.

Nevertheless, the Committee For Handgun Control believes that controlling the ever increasing number and circulation of handguns, is the most feasible first step toward reversing the violence, fear and spiraling death rate which they engender.

The Handgun—a weapon which is easily available, easily concealed, easily grasped, easily fired and easily fatal—puts us in the midst of an incredible rising death toll, 25,000 gun deaths last year alone. It is estimated there are now 40 million handguns in private possession in the United States, [5] and one is sold every 13 seconds! [6]

The vicious cycle of fear produced by the mounting crime rate encourages law abiding citizens to seek guns for self defense. Unfortunately statistics point out that for every intruder stopped by a homeowner with a gun there are four accidents involving guns in that home. Thus we have two problems: First, guns in the hands of law abiding citizens and second, guns in the hands of criminals. This can only lead to more and more carnage and eventually to the horrifying prospect of a totally armed society. Is this to be our children's heritage of "the land of the free and the home of the brave?"

Since 1900, firearms have accounted for 750,000 deaths in murders, accidents and suicides. All deaths, in all the nation's wars since the Revolution, have resulted in 653,000 American deaths. [4] In other words, Americans have managed to shoot more of their own countrymen than have been shot by the Germans, Japanese, British, Spanish, North Koreans and Viet-Cong, et al. put together. "With the possible exception of heroin, never has a product cost so much and given so little to the quality of American urban life." [3]

Where do all these guns come from? One source is newly manufactured weapons. The gun industry is one that is seemingly not affected by recession: it is producing nearly 3 million new handguns each year! [1] These guns are added to the 40 million already in private possession and Zimring notes that they are used in hlg city crime in numbers significantly greater than their percentage of the total. [2] A second source is importation, although it is mystifying to discover the enormous discrepancy between the estimates published by the Bureau of the Census and the A.T.F. A difference of almost 600,000; [2] Then the probability that up to 500,000 guns are stolen annually must not be forgotten. "Unlike drugs, virtually all guns come into illegitimate hands from the legitimate market." [2]

There are gun laws in the United States. Indeed there are some 22,000 differing ones attempting to regulate handguns in municipalities, states and on the Federal level. Their very number assures their ineffectualness. Chicago has a strict handgun law but neighboring Blue Island and Northfield, 20 miles away, do not. The problem is obvious.

Why isn't the Federal Gun Control Act of 1968 having an effect on this deplorable situation? Certainly it is far superior to the one which most immediately preceded it, the Federal Firearms Act of 1938. However, we feel it is patently inadequate as attested by the ever-increasing crime rate. Professor Zimring elaborates on many of the difficulties contained in the 1968 act and here we mention only a few: [2]

There are half a million violations of the Gun Control Act of 1968 each year with most of them one step beyond the record system imposed on dealers and first purchasers.



The Bureau of Alcohol, Tobacco and Firearms is woefully understaffed to handle the policing problem of enforcing the Act. Its investigatory case load only deals with 2% of gun transactions in the United States. "Lack of information on the pattern of illicit traffic in firearms is a major obstacle. Information on the number of firearms produced in the United States was not compiled by the Bureau of Alcohol, Tobacco and Firearms until 1972. And data on firearms sales in the various states and regions are still not available." pp. 161-162.

The act does not require records kept on non-dealer guns transferred and probably constitute 30% of total gun traffic and a far higher proportion of illegal sales.

The best estimate of handgun ownership in the United States currently is 40 guns per every one hundred households. Easy acquisition of handguns in spite of the 1968 Act is in great part due to illegal movement of guns in interstate commerce. The act has not been able to stop the flow of guns from those regions which have "loose control" laws into those which boast "tight control" laws. For example an unpublished 1968 U.S. Department of Justice report called "Firearms Facts" says two-thirds of a sample of handguns confiscated in New York City which has tight control laws, came from other states. Other surveys show similar statistics most particularly from South Carolina, Florida, Georgia and Virginia.

The Bureau of Alcohol, Tobacco and Firearms has proposed in March 1975 that all firearms dealers must report the sale of two or more revolvers and pistols to any one person within any five consecutive work days. The purpose of this plan is to plug the loophole in the 1968 Act which requires records to cover only the transfer from dealer to first customer. Interstate transportation of guns for resale in violation of a local law is a crime under the Act but the Bureau of A.T.F. simply doesn't have the organization or manpower to investigate and arrest illegal sellers. The proposed new regulation is a result of the Bureau's 1973 study of twelve metropolitan areas which showed that thousands of pistols and revolvers were bought by individuals, transported across state lines and resold illegally. The proposal is still pending at this writing. (Federal Register, Feb. 19, 1975 p. 7098) We urge this Congressional Committee to concern itself with enforcement of existing legislation in general, with special attention to the above proposal, in particular.

#### POSITION STATEMENT

As stated in our original goals our concern has been to promote and encourage any potentially effective efforts to control the proliferation and misuse of handguns in our society and to educate the public about the hazards of the handgun. Our own point of view as to particular solutions is of necessity an evolving one. On three convictions we are adamant: First that restrictive legislation should be aimed at handguns. Two, that this legislation should be on the Federal level. Three, that such legislation should contain within it adequate and viable enforcement procedures.

On the first point, it has been shown that it is the handgun that is the weapon of choice of the criminal and we firmly believe that both our murder rate and accidental death rate can be significantly reduced without interfering with the bona fide pursuits of hunters and sportsmen. We do not believe, however, that the so called "Saturday Night Special" category is a useful or meaningful one. Agreement on definition seems impossible. The criteria used by the Bureau of Alcohol, Tobacco and Firearms is quite arbitrary because the controlling Federal Law never defined its key terms relating to its phrase "suitability of sporting purposes." Nor is cost an adequate criterion. Zimring points out that handguns under fifty dollars are a major public safety problem, but so are those over fifty dollars.[2] Nor do we see that a domestic handgun poses less of a threat to our lives than an imported one. The 1968 Federal Law did ban the importation of "Saturday Night Specials"—defined as handguns not suitable for sporting purposes—but the loophole in that law is that parts for these guns could still be imported and they are simply assembled in this country. It is the misuse of handguns, not their class, that must be dealt with. In addition, we feel legislation aimed only at cheaper handguns could be interpreted as being discriminatory in the sense that only those who could afford expensive handguns would be able to purchase them.

On the second point, that it is Federal legislation that is required, one need only look at the abysmal failure of the twenty thousand different laws existing today to realize that uniformity is an absolutely essential factor. The ever increasing transiency of our population plus the proximity of major urban areas to neighboring state borders demands federal jurisdiction.

Our third firm conviction is that enacted legislation be not only enforceable but also be accompanied by strict guidelines for prosecution and penalties.

We are well aware that such legislation will not succeed in a vacuum and that steps towards revamping our entire criminal justice system must immediately be undertaken.

The Committee For Handgun Control wants to see new, responsible and strong Federal legislation which controls the manufacture, importation, sale and distribution of handguns.

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Mrs. KOLEC. Gentlemen, unlike Mr. Valentino, we do not consider it a burden to represent the citizens. This is the reason for our existence.

We have learned that it is the power of the groups over the years which have lobbied against any form of restraint with respect to this subject, and it stems in great part from the lack of evidence and articulation from the other side. So we are very glad that you are here.

As Susan stated, one of our purposes, or one of the purposes of the committee, is education.

I have heard this morning two different viewpoints from the sub-committee members: one expressing the viewpoint that the people's mind is set, and they have the psychological myth about guns, and that it could not be changed; and another said that the climate could be changed.

Obviously, we feel it can be, and we have watched people change their minds, particularly when you discuss long guns and handguns.

Our particular solutions as contained in our position involve not one but three convictions.

We are adamant about these, and one is the handgun against which legislation should be aimed.

We are convinced that the resulting carnage can be controlled without interfering with the pursuits of the hunters and the sportsmen.

We don't feel that the Saturday night special is a meaningful or useful category. The availability and easy concealment or the concealability of the handgun, not its classification or cost, are factors, and the fact that it is domestically produced makes it so accessible and so easily used against the citizens, and they are the victims that we represent.

We feel that if a Saturday night special bill is passed, certainly it is better than none, but in 4 or 5 years we will be back in the same room, each side, if you will, pointing out the facts, and their strength and authority comes with them to back their point of view because a citizen at the wrong end of a pistol is not very concerned about a weapon's melting point.

In addition, remarkable ingenuity has been shown, since our 1968 bill, in circumventing such criteria.

We also agree that such legislation might be considered discriminating in a social sense, in that only people who can afford handguns will purchase them, inexpensive handguns.

Our second conviction is that it should be at the Federal level, and you have many events of that.

Our third is that enforcement must be written within the legislation, strict guidelines for prosecution and penalties and adequate resources, both financial and from the point of view of manpower.

The Committee for Handgun Control wants strong legislation controlling manufacture, sale, and distribution, and we look to you for leadership.

Mr. CONYERS. I want to thank you very much.

Mrs. JACOBSON. I would like to address myself to Mr. McClory and Mr. Ashbrook.

I feel that banning handguns will not cure all of our violence, but if guns are legally banned, it will begin to change the gun psychology.

I don't agree with Mr. McClory that it is not possible to get strong handgun bans. To the contrary, that is the wish of the majority of the people that we have been surveying, the people that we get just tons and tons of letters from.

Now, it is discouraging for those of us who are trying to educate the public when Mr. McClory keeps repeating that we can't get the needed legislation, that it is not responsive to the public.

I agree that we can't legislate morality, but that is why liquor or drug prohibitions just didn't work, and it is not comparable to the danger of the handgun.

Part of the purpose of these hearings is to educate the public, and if they are retaining the myth that they need to own a handgun to protect themselves, it is your responsibility not to pander to that fear when all the statistics show that it is just not true.

They felt that same way about fireworks. They thought that they were entitled to enjoy them until the facts came out with respect to the great harm they did, and then that caused them to be outlawed.

Now, just like firearms and unlike liquor or unlike drugs, innocent bystanders can be done serious, if not fatal, harm, and this is the crux of the matter.

My right not to be shot because of casual availability of handguns is a very important right to me.

Mr. CONYERS. Well, thank you very much.

I hardly know where to begin, so I don't think I will ask too many questions.

A couple of things do occur to me, though. The first is: Is there any possibility that the handgun itself should be challenged as a dangerous machine and have some regulation placed upon it, as in the case that you have brought so effectively against ammunition?

Mrs. SULLIVAN. I think I better answer that.

In our particular case with respect to ammunition, it is now under the Consumer Products Safety Commission in Washington, D.C., and it is limited specifically under that body to ammunition alone.

By congressional decree handguns were excluded from the Consumer Product Safety Act, however, ammunition was not excluded.

Interestingly enough the National Rifle Association filed a lawsuit against us.

Mr. CONYERS. Why, I am surprised to hear that.

Mrs. SULLIVAN. Well they filed two and in one of them \* \* \* [Laughter]. Interestingly enough they really agreed with us.

They came out with the position which is in our testimony that, yes, ammunition is in fact a hazardous substance.

They don't argue that. It is on page 7, but what they did argue was that ammunition isn't a consumer product and I quote from the National Rifle Association:

"Ammunition is intended and suitable for use in the open, in woods, in fields, and on shooting ranges. Ammunition is not intended"—and they underlined—"intended or suitable for household use."

And yet the NRA is telling us to have guns in our homes for protection and to have a loaded gun with bullets by our bed.

They seem, in this most recent statement, to say the exact opposite.

Mr. CONYERS. That is very interesting.

I am glad to see that there is some hope that we may be able to effect opinions as this discussion reaches a larger number of people.

It is my view personally, and I hope that you share it, that we are on the edges of a national discussion that evaluates this question much more thoroughly than any we have had in the recent history of this Nation and it is, of course, being brought about by the senseless tragedies that are now spiraling completely out of control in your city and in my city and, in fact, in every major urban center in the United States.

What we are going to do really remains to be seen and it seems that the first responsibility that this subcommittee has is to see that we have a dispassionate, objective evaluation of those several parts that comprise the question of regulation of firearms.

I think that I can honestly say that each and every member of this subcommittee, not only Mr. McClory and Mr. Ashbrook, but the other members who weren't able to join us here today, have all joined in, regardless of what their views are and whatever differences there may be, to see that this subcommittee assembles a much better record than has ever been put together before.

I am very, very pleased that they are working with us on it.

All of our positions are being somewhat affected by some of the things that we learn and maybe we shouldn't hope for too much, but maybe the day will come when your citizens' groups can sit down with representatives of organizations that may not be in as much agreement and that you can begin to thoughtfully consider the other person's point of view, even if you don't agree with it.

You know that is the toughest thing that we have to do as legislators, because we have got to take all the viewpoints and that is what we are trying to do. We know that the American people are going to impact on their Congressmen and their Senators in a very great way and, to that extent, you are doing very important work in that direction.

Mrs. FERMI. I would just like to say that we got a very good response from many people all over the country.

We have associate members who we keep informed, but another thing that I would like to say is that we have gone into schools to

present the film and give a lecture and when we distribute material we distribute also materials of the National Rifle Association because we want them to see both sides.

Mr. CONYERS. You distribute your materials to them?

Mrs. FERMI. And the material of the National Rifle Association.

Mr. CONYERS. And their material?

Mrs. FERMI. When we go into a school we have a batch of material. We have mostly the factsheets; those four factsheets.

Mr. CONYERS. Right.

Mrs. FERMI. That we put in as an attachment but also we distribute a statement of the National Rifle Association which is completely against us because we want the students to see both sides.

Mr. CONYERS. Do they distribute your material, the National Rifle Association?

Mrs. SULLIVAN. They haven't asked for any from us.

Mr. CONYERS. I yield to Mr. McClory.

Mr. McCLORY. Thank you very much, Mr. Chairman.

I just want to comment that your testimony here has been very useful and very helpful and very eloquent and I would just like to add that when we were considering the Gun Control Act of 1968, there were circumstances wherein I offered an amendment at that time with respect to stricter regulation of handguns.

I think that it had an opportunity for passage then, but when the effort was made to include long guns as well as handguns the whole thing was lost.

I would just like to suggest, therefore, that in connection with our present consideration of gun control legislation, that there is nothing that arouses more opposition, more fear than the suggestion that we are going to take people's guns away from them; that we are going to ban all handguns.

I think that that is something to be taken into consideration.

If we want to direct our attack against crime in the streets, which I think is the purpose of this Subcommittee on Crime, we should concentrate on that.

The question of the accidental deaths that are caused in the homes and all of the other things, although they are serious, they are of concern but they don't relate to the subject of crime you see.

Mrs. FERMI. They do—excuse me for talking again but they do insofar as they contribute to the arsenal of handguns in private homes where they are stolen, where the youngsters, the families themselves take them and they go out in the streets.

Mr. McCLORY. We should direct ourselves to the stolen handguns and identify them and locate them and use our means of identifying the guns when they are in the wrong hands and thus prevent them from getting into the wrong hands.

Mrs. FERMI. There will always be stolen handguns as long as there are handguns that can be stolen.

Mr. McCLORY. And stolen automobiles, as long as we have automobiles because they are a terrible cause of death and destruction in our country and it is just a terrible thing to deal with.

However, I am suggesting that I don't think the mood of the country or the mood of the Congress is to deprive the homeowner, the shopkeeper and other persons who feel a legitimate need to have a handgun.

Mrs. JACOBSON. But we have shown you that the mood of the country is that they do want strict controls and it does relate to crime.

If you dry up the supply you will make it very difficult for the criminal to get a handgun.

We are underwriting the criminal. We are making it easier and cheap for him to get his weapon and we can stop that and I would like to allay the fear of the sportsmen.

We are not directing ourselves to the rifle or to the long gun.

If people do live in a very rural area, they can keep their shotgun if they feel they want to protect themselves in that way but the concealable handgun is for the use of the criminal and we must dry that supply up.

Mr. McCLODY. The concealable handgun may relate to what we call the Saturday Night Special and that is a subject in itself.

Mrs. JACOBSON. The people are buying the more expensive guns now also.

Mr. McCLODY. Well I am expressing my point of view as a dispassionate statement with respect to a very serious problem which we have.

Mrs. JACOBSON. Yes, and I am not taking it lightly.

I am trying to express the views of the people and I might just mention that there was an editorial on channel 2 on this subject and within the last 2 days we have gotten hundreds of letters and I am trying to reflect the view of the public.

That is what we are trying to get across to you.

Mr. McCLODY. OK. I am trying to reflect the view, to some extent, of the Congress which represents the entire country too, you see.

Mr. CONYERS. Mr. Ashbrook.

Mr. ASHBROOK. Thank you, Mr. Chairman.

First I was rather struck by a statement that you made, Mrs. Sullivan, in indicating that the NRA tells us to have guns in the home. I think you went so far as to say a loaded gun by our bed.

I am a little disturbed by that because I keep fairly close track of testimony and I kept fairly close track of the NRA's statement and I don't recall them saying that.

Mrs. SULLIVAN. I don't feel that I said that, Mr. Ashbrook, although maybe I did.

Excuse me if I did, but the concept that you have is certainly that the NRA has suggested that we should in fact have the right to have a gun by our bed for protection and the concept of an armed citizenry being a safe citizenry, I think this is perhaps the first time you have ever heard a statement from the National Rifle Association saying that they are not—that is that ammunition is not suitable for household use.

That was the point that I was trying to make and if I didn't say it correctly I am terribly sorry.

Mr. ASHBROOK. I copied it down.

Mrs. SULLIVAN. I am sorry.

Mr. ASHBROOK. I am interested in your organization and I was reading this undated statement and it indicates that your active membership is difficult to assess and you say, "We have no official membership drive and there are no dues."

What would be your membership? What would be the degree to which you feel you represent people?

Mrs. KOLEC. I think on the point of an overt indication of willingness to work and, that is, work actively for it, we have 40 or 50 hardcore members.

The reason we stumbled over our membership is that we have letters from people saying, "What can we do? How can we help?"

These letters come from all over the country and we haven't had time to categorize them.

Mr. ASHBROOK. So at this time you don't know?

Mrs. KOLEC. It is not to call them the members of the committee but I would say there are 50 hardworking members but that is not the whole story at all.

Mr. ASHBROOK. Well I don't think members necessarily mean that much. You might well represent the thinking of everybody and there can be only 50 of you and then again, you might represent on one and there can be 500.

Now what about this? You are in the lobbying business so I take it you are a registered lobbyist.

Mrs. KOLEC. We are registered lobbyists, yes.

Mr. ASHBROOK. And I notice that you have advocated several different activities and I was reading in SAM, which is an advertising magazine that there is a campaign that was created for you by J. Walter Thompson for your Product Safety Commission drive and your theme: "We need bullets like we need a hole in the head."

I take it that is a part of your lobbying activity?

Mrs. SULLIVAN. Let me clarify that. That was by one creative group of the Chicago office of J. Walter Thompson who donated their creative services to us.

Mr. ASHBROOK. That is very good. I read that and I was kind of interested in how that came about because we are always talking about various groups and how they are set up, what their constituency is and how they are financed.

Mrs. SULLIVAN. We are primarily volunteers.

Mr. ASHBROOK. Yes, I gather from all of your literature that you are overwhelmingly volunteer.

What about the basic position on legislation? Is it fair to say that you are generally, across the board, against ownership of handguns or do you subscribe to Attorney General Levi's proposal that in areas such as yours, there may be or should be more emphasis?

What is the position of your group on that?

Mrs. KOLEC. You mean vis-a-vis Mr. Levi's proposition?

Mr. ASHBROOK. Yes; I would take it that from some of things I have read, that that may be comes closer to your position than a nationwide ban.

Mrs. KOLEC. No; I would say not. First of all, we do not mention possession in our stand whatsoever. We mention only the manufacture, sale, distribution, and importation of guns.

Now as far as Mr. Levi's proposition is concerned, I have read only part of it in the Congressional Record and at first blush it was not at all something that we were in favor of as being the regional application of Federal laws, which was sort of a new idea to us.



But no; we would consider strict Federal controls on a nationwide basis. We are very encouraged that the Justice Department has spoken on this so we consider it a very forward step.

Mr. ASHBROOK. Well, I asked that question because one of the criticisms that has been directed toward your group is that proponents of your position and some of your people in the past have indicated that it was probably all right for people in rural areas to have guns, but in the inner cities it constituted a problem.

Mrs. KOLEC. That has never been our position; absolutely not.

Mrs. SULLIVAN. We have suggested that if you need a gun for protection in a rural area, then a shotgun is what we suggest.

The problem with, for instance, in New York City, where they have the Sullivan law which is a very, very strong gun control law, is that the guns, two-thirds of them come from South Carolina, Virginia, Florida, and those States don't have a problem; it is New York City that has a problem and the interstate traffic in guns is still a problem.

I certainly can't comment on Mr. Levi's statement. I am happy that he has taken a firm stand, but I would like to know how he is going to work it all out.

Mr. ASHBROOK. Part of the problem is implicit in what you have said. Those States don't generally have the problem.

Are we saying that we should advocate an across-the-board proposal that would affect the people of South Carolina and elsewhere it is not really a problem?

Mrs. SULLIVAN. Well, it is a problem to me as long as guns are coming from Georgia and they appear in my back, on the streets of Chicago, then it does affect me.

Mrs. KOLEC. May I ask you, if I may, how you got—did you get that impression from our testimony that this was—

Mr. ASHBROOK. No.

Mrs. KOLEC. That we had a difference between city residents and rural? I don't believe that you will find it in our statement.

Mr. ASHBROOK. I guess I had heard that Mrs. Sullivan—that it was Mrs. Sullivan's position.

Mrs. SULLIVAN. That is not true. I don't think I said that.

Mr. ASHBROOK. You don't think you ever said that?

Mrs. SULLIVAN. No.

Mr. ASHBROOK. Thank you, Mr. Chairman.

Mr. CONYERS. We are very grateful to you all.

We have a very serious time problem. We would love to discuss this more, so would you please keep in contact with this subcommittee or your Members in Congress?

Mrs. FERMI. Thank you very much.

Mr. CONYERS. I am very happy to see Mrs. Ethel Payne and Mrs. Connie Seals, cochairpersons of the Coalition of Concerned Women in the War on Crime.

Because of the press of time, we are going to combine you with our friends from the Urban League and the National Association for the Advancement of Colored People.

We have a 3:15 p.m. deadline; I apologize for this. I know you both have more than enough testimony—

Mr. McCLORRY. And they have two additional witnesses also.



Mr. CONYERS. So that you would like to make individual presentations, but as I say, because of the press of time, we have no other alternative but to combine your presentations.

We have two more witnesses, even after your testimony has been given.

I would like to welcome you on behalf of the Subcommittee on Crime and I have read the position statement of the Coalition of Concerned Women on the War on Crime.

Both cochairpersons are here. Mrs. Ethel Payne, of course, has been a national correspondent in Washington, D.C., for a number of years and she is back in her home city of Chicago, as active as ever. I am also particularly glad to see James Compton, executive director of the Chicago Urban League, and James Russell, legal staff, National Association for the Advancement of Colored People.

We have your prepared statements and they will be entered into the record at this time.

[The statements referred to above follow:]

STATEMENT OF ETHEL PAYNE, CHAIRPERSON, AND CONNIE SEALS, COCHAIRPERSON,  
CONCERNED WOMEN IN THE WAR ON CRIME

Mr. Chairman, members of the Subcommittee: since its inception, the coalition of concerned women, has had for one of its major priorities, the problems created by the easy accessibility to handguns.

The very reason for our founding was predicated on tragic incidents that had personally occurred with members of our organization, some of whom are here today.

Just as important as the need for taking guns off the market is the emotional impact that these lethal weapons bring in the wake of their senseless use.

Families have been unnecessarily deprived of their breadwinners. Children have been crippled for life and with each new assault one more burden is added to the criminal justice system in the matter of apprehension, detention and trial of the offender.

The Coalition of Concerned Women in the War on Crime calls for an all-out ban on the manufacture, sale, possession and distribution of handguns, handgun ammunition and component parts—throughout every spectrum of society—nationwide, excluding law enforcement officials.

The Chicago Gun Control Ordinance became law in April 1968. As written, it's a very strict law. However, more than half of last year's 970 murder victims were killed with handguns. So it doesn't mean the guns are not available. It just means that you've got to have the right contact and/or the price is higher.

There are many contributors to the city's increasing crime rate. The Chicago Police Department *has no say in enforcing the gun law outside the city's limits. This creates great havoc and frustration.* This confusion extends nationwide, as there are some 25,000 gun laws which have little or nothing in common. Some are in fact contradictory. Regardless, they are only applicable within certain boundaries and if a violation occurs outside these limits, nothing can be done. The violator gets away, may strike again and the odds are great that he won't be caught.

The Federal and Illinois gun control laws are weak and need serious revision. We encourage the immediate passage of strong Federal legislation that will outlaw the possession of handguns by private citizens, except in cases of extenuating circumstances. National poll surveys indicate that most Americans are indeed in favor of stricter gun control laws.

These handguns too frequently get into the wrong hands. Carelessness has been the cause of many injuries and deaths within our homes. Americans die at a rate of 3,000 each year from gun accidents. A loaded handgun has killed many children who saw it, innocently played with it and subsequently shot themselves to death—or some other relative or acquaintance. Younger persons are becoming users of handguns. Countless cases attest to this fact.

Last year the Chicago Police Department confiscated almost 19,000 guns that were either used in crimes, or carried illegally. Many burglaries are committed

solely for the purpose of stealing a gun. They are very easy to obtain. One can go to a gunshop in Chicago, or a neighboring suburb, or even nearby State like Indiana—meet the flimsy requirements and make your purchase, not limited in quantity either.

The November 16, 1974 breakdown of registrations into specific categories showed that Chicagoans had registered 206,000 revolvers, 87,000 automatic pistols, 117,000 rifles, 123,000 shotguns and about 9,000 special guns. This, however, does not reflect the total number of guns floating around—as many are not registered; and gunowners frequently have more than one gun.

Last week, U.S. Attorney General, Edward Levi offered his proposal on the gun control matter. He called for a ban on handguns, only in those cities with high levels of violence and street crime. He said it would provide gun control in cities where it is needed and wanted, while making an accommodation for the opposition to control guns in rural areas.

Speaking on behalf of the coalition, I feel that the Levi proposal is discriminatory and serves only to exacerbate widespread fear and resistance in the black and minority communities—that handgun control is designed to take the guns away from blacks and other minorities and leave them in the hands of whites who will be free to shoot to kill under the guise of protection. It is also my belief that unless the law can be made equitable, it will serve only to encourage more lawbreaking.

This is the crux of the problem.

The coalition submitted a report to Ald. Clifford Kelley (20th), chairperson, during the war on crime hearings held last November. On Thursday, April 10, 1975, Ald. Kelley released the findings of the hearing which includes a 12-point crime prevention proposal.

The November report we submitted included recommendations which were aimed specifically at: 1) action toward the elimination and prevention of crime and 2) streamlining and improving the criminal justice system. (See appendix-background information)

There must be a communication channel between Chicago citizens and the law enforcers. Effort must be expended in each and every segment of society and not only towards crime prevention, but also for the elimination of the socio-economic conditions that encourage and perpetrate these deadly crimes.

#### BACKGROUND INFORMATION ON THE COALITION

There is no humane reason why we have to live in constant fear of our lives. It is no longer a safe or comfortable feeling to travel about this city, where many of us have spent our entire lives. Economic, social and political conditions have put unrelenting pressure on many of our lifestyles. Some of us have been able to cope with these pressures better than others.

As an associate editor for the Chicago Defender, I decided to see what could be done about these societal ills. Concerned specifically with the inner-city crime that has terrorized Chicago residents, I organized the Coalition of Concerned Women, enlisting the support of Congresswoman Cardiss Collins and Connie Seals, executive director of the Illinois Commission on Human Relations. Forty women responded to our initial call for support. That was February 1974.

We drafted three preliminary goals during our first meeting: 1) while recognizing the existence of police brutality and corruption and the need for police reform, the *basics* for the struggle against crime must be made in police-citizen cooperation; 2) citizens must be informed of their role in the fight against crime; and 3) a system, to be called "Operation Dialog," must be formed whereby these objectives may be implemented.

The implementation of "Operation Dialog" became our first major effort. This program called for the support of churches, citizens, and local police to meet in small groups to exchange information and educate one another on respective problems and solutions concerning crime. Through "Operation Dialog" which meets regularly, we are striving to reach a different segment of the community each time, to hear their problems and suggestions for crime prevention and to offer them assistance in their efforts.

There are nine committees within our organization and "Operation Dialog" is just an example of one.

There are many individuals and other civic groups who have pledged their support and joined us in waging a war against crime.

The Illinois Commission on Human Relations (ICOHR) is a member of the coalition, with Executive Director Connie Seals, leading the way. They have

instituted a number of crime prevention workshops within Chicago and statewide, as well. There have been "War on Crime" workshops in nine other cities within Illinois. They are: Danville, Champaign, Decatur, East St. Louis, Peoria, Bloomington-Normal, Carbondale, East Moline and Rockford. The relationship the ICOHR has with these communities is a healthy one that is full of potential.

The coalition believes that the solution to the war against crime lies in total citizen involvement. We continue to organize, expand and work towards increasing citizen participation.

#### CONCLUSION

I cannot close this statement without a suitable tribute to *The Chicago Daily Defender* which has been from the beginning, the mentor and the major support of the Coalition of Concerned Women in the War on Crime.

It has provided the impetus for raising citizen awareness and involvement in the war on crime which we consider the most essential component in any effort to reduce the level of serious crime.

#### EXHIBITS

##### WAR ON CRIME COALITION PUBLIC HEARING

(November 20, 21, 1974)

##### *Chaired by*

Alderman Clifford P. Kelley

##### *Sponsored by*

The Chicago Commission on Human Relations

The Coalition of Concerned Women in the War on Crime

The National Conference of Christians and Jews

The Chicago Chapter, National Association for the Advancement of Colored People

The Illinois Commission on Human Relations

The Civic Disarmament Committee for Hand Gun Control

The Chicago Daily Defender

##### *Prepared by*

The Chicago Commission on Human Relations

#### SECTION I. INTRODUCTION

On November 20 & 21st, 31 witnesses including legislators, community leaders and experts in the field of criminology and sociology testified before a special blue ribbon panel on ways that citizens can help in both reducing crime and in mitigating the effects of crime in our society.

The hearing, held in the Council Chamber of City Hall, was sponsored by seven civic organizations including the Chicago Commission on Human Relations, the Chicago Daily Defender, the Civic Disarmament Committee for Hand Gun Control, the Coalition of Concerned Women in the War on Crime, the Illinois Commission on Human Relations, the National Association for the Advancement of Colored People, and the National Conference of Christians and Jews.

Alderman Clifford P. Kelley of the 20th Ward presided over the hearing. Also on the panel were Mrs. Rachel R. Ridley, Deputy Director, Chicago Commission on Human Relations; Ms. Ethel Payne, Associate Editor, Chicago Daily Defender and Coordinator of the Coalition of Concerned Women in the War on Crime; Ms. Laura Fermi Director, Civic Disarmament Committee for Hand Gun Control; Ms. Connie Seals, Executive Director, Illinois Commission on Human Relations; Mr. Andrew Barrett, Executive Director, the National Association for the Advancement of Colored People; Mr. James Rottman, Executive Director, National Conference of Christians and Jews; Professor Paul Mundy of Loyola University; Mr. Thomas Todd, Attorney; and Alderman Timothy Evans, 4th Ward. Other Aldermen in attendance included Wilson Frost, William Cousins, and Francis X. Lawlor.

Alderman Kelley explained that the purpose of this hearing was to disseminate information on crime prevention community programs presently in operation and to put together a program or legislation to submit to the public and to other organizations based on testimony and recommendations made by the witnesses.

Those who testified at the hearing indicated in their remarks that they are well

aware that there are no easy solutions to curbing or eliminating crime from our society. The dehumanizing effects of discrimination, low income, high unemployment, the mis-education of youth and lack of adequate vocational training, overcrowded and substandard housing, high population density and a host of other ills are characteristics found in urban areas where violent crime and the victims of it are most likely to be found. Such conditions profoundly affect the quality of life of large segments of our citizenry and contribute to the decline of morality and attendant lack of respect for the life and property of others. Many of those who testified indicated that society must recognize these facts and adjust its priorities accordingly if substantial progress is to be made in the reduction and prevention of crime.

This report lists those major recommendations made by witnesses for improving the criminal justice system and for reducing and mitigating the effects of crime. Also listed are the major community programs discussed by witnesses which are presently in operation in some communities.

A detailed summary of the testimony is found in Section III of this report. For anyone wishing to read the hearing record in its entirety, transcripts of the proceedings are available in the office of Alderman Clifford P. Kelley, Room 209, Office 10, City Hall, and in the office of the Chicago Commission on Human Relations, Room 390, 640 North La Salle Street.

#### SECTION II. WITNESSES AT HEARING

The following list includes those witnesses who testified at the November 20, & 21, open hearings in the order of their appearance:

- Mr. James Rochford, Superintendent of Police, Chicago Police Department.
- Mr. Winston Moore, Executive Director, Cook County Department of Corrections.
- Honorable Richard J. Elrod, Cook County Sheriff.
- Mr. Leon D. Flinney, Jr., Executive Director, The Woodlawn Organization.
- Ms. Susan Sullivan, Civic Disarmament Committee for Hand Gun Control.
- Dr. Herbert Odom, President, Englewood Youth Corporation.
- Mr. Robert R. Hollins, Coordinator, Illinois Corrections Project.
- Ms. Earlean Lindsey, Mile Square Health Center.
- Dr. Ewen Akin, Jr., President, Malcolm X College.
- Mr. Cedric Russell, Vice President, The Woodlawn Organization.
- Mr. Isaac Hawkins, Chatham-Park Manor Citizens Patrol.
- Mr. Milton Gardner, Chicago Urban League.
- Ms. Joyce Drake, Civic Disarmament Committee For Hand Gun Control.
- Ms. Janet Malone, Executive Director, Council on Population and Environment.
- Father Francis X. Lawler, Alderman, 15th Ward.
- Mr. Joe McAfee, Operation DARE.
- Ms. Mary Garden Williams (Member) Ms. Arnita Boswell (Director) League of Black Women.
- Mr. Russell Meek, Search For Truth, Inc.
- Ms. Elinor Elam, League of Women Voters of Chicago.
- Mr. Ishmael Flory, Chairman, Illinois Communist Party.
- Mr. Karim Childs, Executive Director, Parkway Community House.
- Ms. Ann Fennessy, Hyde Park-Kenwood Community Council.
- Mr. Willie L. Pittman, Community Leader.
- Ms. Ruth Wells, Alliance To End Repression.
- Commissioner Claudio Flores, Chicago Commission on Human Relations.
- Ms. April Takeda, North Side Rape Crisis Center and Chicago Legal Action for Women.
- Mr. Silas Brown, Community Thrift Clubs.
- Ms. Judy McArdle, Cook County Special Bail Project.
- Mr. William Cousins, Jr., Alderman, 8th Ward.
- Mr. Henry Pettigrew, Investigator, Chicago Police Department.

#### SECTION III

(This report contains a synopsis of the War on Crime Open Hearings on November 20 & 21st, 1974. It represents a summary of what transpired and is not meant to stand as verbatim testimony.)

*Superintendent James Rochford, Chicago Police Department*

*Testimony.*—Three factors contribute to high crime rate areas: low incomes, high population density and high unemployment. While social service agencies

should be held responsible for helping eliminate citizens' indifference to crime, police must comprehend why residents are reluctant to take cooperative action to eliminate crime.

The following actions must be taken to reduce crime :

1. The repeated offender who has resisted rehabilitation must be identified. Efforts must be made to neutralize this criminal, even if this requires a long prison term—a measure which has become extremely unpopular.

2. The criminal must be deprived the tools of his or her trade. Federal legislation must be passed to ban hand guns which now are so easily accessible.

3. Prompt convictions must be handed down to those who are guilty; acquittal for the innocent must be just as prompt.

4. Federal and State funds are needed to help reduce the crime rate.

5. Our present bail bond system must be improved.

6. Careless plea bargaining must be reduced.

7. More attention should be given to the rehabilitation of criminals.

8. Citizens must hold the Police Department accountable for its actions.

The following questions and answers were exchanged between the panel and Superintendent Rochford :

*Panel.*—Rochford made no reference to white collar crimes; these should be included in examining the total criminal picture. 7 out of 10 crimes are economically motivated. Does police corruption contribute to our crime problem?

*Rochford.*—All corruption contributes to our crime problem.

*Panel.*—Citizens are skeptical of police response if they report crimes. Could a program be implemented to assist witnesses to crime who fear retaliation? The police exam is questioned.

*Rochford.*—The department will be hiring more police women and one test will be devised for both male and female applicants. The Police Department is 800 officers short and there are not enough officers on the street. The desired goal, as yet unfulfilled, is for police to spend two hours of their shift on foot patrol.

*Panel.*—If laws on such victimless crimes as gambling and adultery were rescinded, wouldn't this free police to pursue other types of crimes?

*Rochford.*—Part of this problem results from the officers-in-the-streets' lack of direction for what is or is not important, i.e., a national policy regarding the treatment of the marijuana problem. If a third party benefits from so-called victimless crimes, these crimes are serious. Police do respond to gambling and other small complaints of this nature if called, but they do not otherwise focus their energy on relatively harmless victimless crimes.

*Panel.*—How is police brutality handled?

*Rochford.*—My office deals severely with this type of mistreatment.

*Panel.*—Can the New York Police Department's use of Census Data to realign police districts relate to Chicago?

*Rochford.*—New geographic boundaries will probably be redesigned in the future in Chicago. An exchange program with New York is presently under study. My office is also studying Police District 3 in Chicago, where a reduction of crime has been reported, to determine if other districts can benefit from District 3's programs.

*Panel.*—Will the 911 emergency telephone system be installed?

*Rochford.*—The 1975 budget requests funds for this system. The user of this number will not need a dime to call and the time involved in reporting the call and responding to it should be shortened.

The police will shortly transfer 300 positions handled by sworn personnel to civilian personnel. I do not approve the concept of civilian patrols.

*Panel.*—What is your opinion of separate police forces for agencies such as the C.T.A. or Park District?

*Rochford.*—I support a single police administration.

*Panel.*—Can the prosecution of offenders be speeded up?

*Rochford.*—Mayor Daley has set up a commission to study this problem. Participants on this commission include Cook County Board President, George Dunne, Chief Judge, John Boyle, of the Circuit Court and Cook County State's Attorney, Bernard Carey. This group should devise some good ideas to resolve this problem.

*Mr. Winston Moore, Executive Director, Cook County Department of Corrections*

*Testimony.*—The County Jail houses 4,500 inmates, 1,100 more than last year, yet the system is unable to cope with crime in society. The media's glorification of the criminal as hero is partially to blame for the many repeaters in jail.

The press emphasizes crime in black communities but makes little mention of crime in white communities.

#### QUESTIONS AND ANSWERS

**Panel.**—Do you believe criminals can be rehabilitated?

**Moore.**—The criminal himself must make this decision; the change comes from within. Correctional institutions can only provide the climate to assist the criminal in rehabilitation.

**Panel.**—Are the states of the economy and crime related?

**Moore.**—Crime was on the increase before the economy declined. Rapes are on the increase. When Boeing closed in Seattle, Washington, crime declined. Most criminals establish their patterns of behavior in their early years; those involved in street crimes are little influenced by reports of white collar crime.

There is not enough room in one institution to house criminals and there are some serious flaws in our plea bargaining system. Federal funding of youth gangs contribute 1,000 per cent to crime. Black leaders should speak out against this funding.

There is a breakdown of morality in our society. Although courts do fail to convict most of those found carrying guns, many citizens (usually older people) feel they must arm themselves for their own protection.

*Honorable Richard Elrod, Sheriff, Cook County*

**Testimony.**—Not enough people are involved in crime prevention programs; more community relations programs should be instituted. Federal funds assisting youth and community service bureaus in Chicago and suburbs have been cut. These should be reinstated so that adequate youth programs will be available and recidivism cut. Nationally, the recidivism rate is listed at 85 per cent. The P.A.C.E. program's recidivism rate is 25-30 per cent and a halfway house is rated at 10-11 per cent.

Victimless crimes (gambling, topless dancing, etc) should be de-emphasized and legislation enacted to reflect this.

*Mr. Leon Finney, Executive Director, The Woodlawn Organization*

**Testimony.**—The blacks' mistrust of the police helps the criminal rather than the police. Many blacks believe there is a double standard of justice: one for whites, one for blacks. The permissiveness toward crime and the criminal is an outgrowth of this attitude about a double standard, and must stop. To reduce crime in Woodlawn, the community has instituted an escort service which protects the elderly when cashing social security checks. Building owners can hire the youths involved in this program to act as a security force to protect both tenants and property. A massive crime awareness program utilizing auto bumper stickers, posters, radio and T.V. coverage has been implemented. Also, Project Identification on personal goods has been implemented.

T.W.O. has designed an all-out assault on crime which is scheduled to be launched in January 1975. The Woodlawn Organization has called for the following demands from the Chicago Police Department: The establishment of a Crime Data Bank to collect and disseminate statistics on crime in Woodlawn; and the establishment of foot patrols throughout Woodlawn.

A cadre of community residents now monitor the police and assist in recruiting applicants for the Police Department. Lighting should be replaced in the 63rd street area and public transit areas should be monitored. There is a direct correlation between drugs and crime and the sale of narcotics must be halted. An all-out attack on unemployment should be launched; the present recession has led to an increase in robberies. The sale and manufacture of hand guns must cease.

*Ms. Susan Sullivan, Civic Disarmament Committee For Hand Gun Control, Inc.*

**Testimony.**—The sale and manufacture of all hand guns and the sale of ammunition should be stopped. It makes no sense for individuals to arm themselves for self protection when the chance of killing someone is four times as high as that of being robbed.

*Dr. Herbert Odom, President, Englewood Youth Corporation*

**Testimony.**—Violence seems to be more successful in bringing about change than meetings. The panel meeting today should go directly to the communities to help motivate residents. Residents often feel that they do not get justice from the police.

**Mr. Robert Hollins, Illinois Prisons & Jails Project**

*Testimony.*—Ex-prisoners leave Illinois institutions with \$50, a suit of clothes and little hope of any support from public or private institutions. Society seems to abandon the ex-convict and expects him to make his own way despite the added obstacle of being an ex-offender. This attitude contributes to the high rate of recidivism. I am active on a citizens' team which visits penal institutions and I recommend that improvements be made.

**Ms. Earlean Lindsey, Mile Square Health Center**

*Testimony.*—More attention must be given to crime prevention as opposed to punishment. On the west side of the city, there are few recreational facilities and little supervision for youths. There should be greater coordination of effort by community organizations and agencies to work in concert to seek solutions to community problems. Many of the existing problems seem to center around race relations, particularly in the area of housing and employment.

**Dr. Aiken, President, Malcolm X College**

*Testimony.*—There are many security and vandalism problems at Malcolm X. The \$156,000.00 which is spent each year for security services could instead be used to teach 1,900 students and to hire 14 new teachers.

**Mr. Cedric Russell, The Woodlawn Organization**

*Testimony.*—Elected officials should support community based crime prevention programs. Workshops and seminars which have little or no community input are ineffective in dealing with the problem of crime. Communities are ineffective in dealing with the problems of guns and narcotics because the U.S. Government is one of the biggest gun dealers in the world. Unless the federal government can stop the flow of narcotics from France and other countries, individual communities will have little success in coping with this problem. More federal money is needed to eliminate drug suppliers. Schools should educate youngsters on the harmful effects of narcotics. In Woodlawn, there is no major program to deal with the problem of drugs.

Blacks are in the majority in the 2nd, 3rd, 7th and 11th Police districts.

These areas have higher incidents of rape, assault, robbery, and burglary than found in white communities. This organization attempts to identify young persons before they become deeply enmeshed in crime and attempts to interest those youths in Manpower and other training programs.

**Mr. Isaac Hawkins, Chatham Park Manor Citizens Patrol**

*Testimony.*—Our citizens patrol is comprised of 37 persons including two women, and 25 active members.

Our community utilizes three programs in reducing crime: "Whistle Stop," the same program presently in operation in Hyde Park; "Operation I.D." in which engraving pens are used to identify valuables; and "Operation Window Watch" in which citizens watch for suspicious activity in their neighborhood and immediately report any incidents to the police.

The citizen patrol members are not vigilantes but are, rather, the eyes and ears of the Chicago Police Department. Patrol members do not carry guns nor do they receive pay for their efforts. The patrol works closely with both the 3rd and 5th district commanders and operates a message center to receive information on criminal activity.

**Mr. Milton Gardner, Chicago Urban League**

*Testimony.*—It is important that Supt. Rochford's office inform the district commanders of the necessity for using beat patrols, especially in inner city areas. A committee should be formed to include the Mayor, Supt. Rochford and business and political leaders to address itself to the elimination of crime. A second committee should be formed to address itself specifically to crime in black communities. The Urban League would assist in enlisting professional persons from the communities to work on this committee. Attention should be given to the following recommendations:

Strict federal regulation and control of hand guns; greater efforts to build respect, trust, and confidence between citizens and law enforcement officers and elimination of the flow of all hard drugs into communities. Feasible solutions must be found to insure that the individual rights of the accused are protected at the same time that the excesses of plea bargaining are reduced. Beat patrols should be reinstituted and police should shift their emphasis from victimless crimes and ticket writing to fighting more serious crimes.



*Ms. Joyce Drake, Civic Disarmament Committee For Hand Gun Control*

*Testimony.*—My organization has surveyed six schools and found that 54 per cent of the students said there were guns in their homes; 65 per cent felt that guns were too dangerous to have without proper training. 75 per cent of the students were in favor of gun control. Hand guns should be abolished and should be turned in for a token payment. The evil of guns should be taught in social studies classes in the schools.

*Ms. Janet Malone, Council on Population and Environment*

*Testimony.*—A cooperative approach is the only solution to reducing crime. On December 7, my organization, in cooperation with several other agencies, will host approximately 30 workshops on crime prevention at Northwestern University. Funds should be made available to individual communities so that community residents can themselves seek solutions to their problems.

*Father Francis X. Lawlor, 15th Ward Alderman*

*Testimony.*—A change is needed in the hearts of criminals before society can anticipate any major crime reforms.

Economics don't change the statistics on rape and murder. There is a lack of respect for authority and property rights which must be changed; this would be difficult to achieve with 10 to 18 year olds running whole communities. Some schools are unable to do their work and are subject to the whim of teenagers, all due to the fears of adults.

Adults provide the means for the criminals to operate and serve as poor examples to our youths. The courts have failed the police; the police have tried to do their job but are hampered by the lack of support. Recreation programs, leisure time activity and job training could be established as alternatives to crime. A new Department of Recreation should be formed, encompassing both school and park district facilities, so that wholesome competitive sports programs can be offered to our youngsters. I claim no victories in my own community. In some areas the whites have run and a new high crime area has been born. The schools have deteriorated, and those who have fled the slums are again living in slums. There are 400 abandoned buildings in one section of my ward.

The Raster School, built for 750 students, is now used by 1,444, all of whom are black; other schools have vacant rooms. Much of this problem can be attributed to the flood of FHA money being supplied to individuals who I think are unqualified to own a home or assume the responsibilities of property. Such loans should be slowed to no more than 5 per cent per year in any given census tract.

*Mr. Joe McAfee, Operation D.A.R.E.*

*Testimony.*—The moral fiber of our society has deteriorated and our system is corrupt throughout; we are in need of new values. Any program which asks that people turn in their hand guns will not work because only those citizens with good moral values will comply.

P.A.C.E. is very successful in working with ex-offenders; its recidivism rate is only 7 per cent.

*Ms. Arnita Boswell & Ms. Mary Garden Williams, League of Black Women*

*Testimony.*—Crimes of rape are growing in both the city and suburbs. The League of Black Women has been working for the last two years to change attitudes regarding rape and has set up a Rape Crisis Line to assist women who are victims of rape. An ad hoc legislative committee should be devised which would look into those agencies mandated to help solve the problems of employment, housing and schools.

*Mr. Russell Meek, Search For Truth*

*Testimony.*—There should be little or no confiscatory gun legislation. New laws will only result in an increase in street guns. There is no use pretending that the gun problem is not racial; this should be acknowledged before anything can be done about it. Guns are necessary so that people can protect their homes.

*Ms. Elinor Elam, League of Women Voters of Chicago*

*Testimony.*—We should restrict the manufacture, ownership and sale of firearms. 600 persons died last year as a result of hand guns.

*Mr. Ishmael Flory, Illinois Communist Party*

*Testimony.*—In order to eliminate crime, the system must be dealt with. First of all, jobs must be guaranteed to all, especially to the young. The military budget could be cut to make funds available for employment programs.



Those incarcerated must be given the opportunity for rehabilitation, and should be given adequate wages while in jail. Narcotics must be stamped out.

**Mr. Karim Childs, Parkway Community House**

*Testimony.*—In Woodlawn, youngsters frequent pool halls during school hours and the police take no action. Judges need to learn of the resources in the communities and instead of sending offenders to jail, ought to work with private agencies to help in rehabilitation. The N.Y.C. Program has failed so far since it does not encourage youngsters to stay in school.

**Ms. Ann Fennessy, Hyde Park-Kenwood Community Council**

*Testimony.*—In the Hyde Park-Kenwood community there are 45,000 people, and the crime rate is high. In an effort to counteract crime, the council has devised three programs.

The first program, "Operation Whistle Stop", is used by persons who either believe they will be victims of a crime or who observe incidents of crime. Upon hearing the whistle blow, residents are instructed to surround the area and alert the police.

The second program, "Operation I.D.", was described above by Mr. Hawkins.

The third program, "Operation Burglary Free", focuses on assisting community residents in making their homes safer. A booklet is provided to residents which contains a check-list on security measures they can utilize in making their homes safer.

**Mr. Willie L. Pittman, Volunteer Community Worker**

*Testimony.*—The increase in crime has caused greater fear in communities; any suggestions and resources aimed at reducing crime should be shared with community residents so that they will be better prepared to fight crime. Steps should also be taken to improve the present bail bond procedures.

**Ms. Ruth Wells, Alliance to End Repression**

*Testimony.*—There exists a wall of hate between police and minorities out of which no trust can come. Many police are racist. The Police Board has no representative from the west side; the Board should be expanded. Discrimination against women also is exemplified by the police. The police-community relations programs should be expanded to become more viable, and the police should hire personnel immediately to fill the 8000 vacant slots.

**Mr. Claudio Flores, Commissioner, Chicago Commission on Human Relations**

*Testimony.*—The crime problem is a result of a series of related factors including unemployment, poor education and inadequate housing. These problems must be solved if we are to make real progress in reducing crime. Latinos are inadequately represented in the Police Department, in elective offices, and in governmental agencies; this situation needs immediate correction.

**Ms. April Takeda, Chicago Legal Action for Women and North Side Rape Crisis Line**

*Testimony.*—We also sponsor a Rape Hot Line and we work closely with the League of Black Women in assisting female victims.

Beat police officers are not sufficiently sensitive to rape victims. If one or two rapes occur in a specific community, it would be helpful if this information were passed on to community residents. The State's Attorney's office does not properly prepare for prosecuting rape offenders; my organization is trying to speed up the long court delays and numerous continuances which the court presently allows. We are presently monitoring hearings in court and have made recommendations aimed at improving court procedures, namely, that a separate court be instituted which would deal solely with rape cases.

**Mr. Silas Brown, Community Thrift Clubs**

*Testimony.*—In addition to looking at street crimes, the panel ought to address itself to crime in the market place. There is a breakdown of morality, and the police are guilty of harassing private security agencies. The panel should continue its hearings in the various neighborhoods.

**Ms. Judy McArdle, Cook County Special Bail Project**

*Testimony.*—The 8th Amendment of the Constitution states that excessive bail should not be required for persons arrested. Our organization, which consists of 30 volunteers, observes hearings in both Holiday and Felony Court to determine

and insure that excessive bail is not required by the courts. 90 per cent of those presently in jail are black and many spend unnecessary time there because bail is set too high. 75 per cent of those on bail show up for subsequent hearings and of the 25 per cent who forfeit bond, one half subsequently have bonds reinstated.

*Alderman William Cousins, 8th Ward Alderman*

*Testimony.*—There is a decline in the morality in our people, in the lack of respect for human life, and our sense of values is warped. I have written to the Board of Education requesting that they introduce courses on morals and ethics in the school curricula.

Citizens must take an active role in reducing crime; persons who knowingly purchase stolen merchandise are in complicity with criminals.

There is a need for greater professionalism among those law enforcement persons charged with gathering evidence.

Additional criminologists and psychologists should be hired, as experts in this area are few, and additional civilian personnel should also be hired so that police will be freed from clerical jobs and placed on beats.

*Mr. Henry Pettigrew, Police Officer*

*Testimony.*—I am violating a Department rule by not getting permission from my superiors prior to appearing here. Police policies deter efficient law enforcement; i.e., making assignments as a disciplinary measure, and the lack of regular partners or permanent assignment. Rotating police every 28 days does not allow police to become sufficiently familiar with communities. Police are not encouraged to get involved and can be transferred by a telephone call. There is no adequate method of screening recruits or sworn personnel to detect those with racial hangups. Inclinations or abilities in police-community relations should be a part of promotional examinations.

#### SECTION IV. COMMUNITY PROGRAMS IN OPERATION AIMED AT REDUCING CRIME

Some witnesses testifying at the public hearing discussed crime prevention programs presently in operation in their respective communities. These programs include the following:

1. Providing escort service for elderly persons to currency exchanges and for residents who use public transportation at late hours.
2. Devising and training a security force in police procedures which can be hired to protect any business or building in the community.
3. "Project Identification" where residents, using engraving pens, stencil their I.D.'s on personal goods, so that in the event of theft, they later can be claimed.
4. Implementing a massive crime awareness program utilizing auto bumper stickers, posters, radio and T.V. coverage.
5. "Operation Whistle Stop" which has persons blow whistles who either believe they are about to become victims of crime or who observe incidents of crime. Upon hearing a whistle, residents are instructed to surround the area and alert the police.
6. "Operation Burglar Free" focuses on community residents making their homes safer. A bulletin is provided informing residents of security problems they may have in their homes. A security check list is given to residents and they can discuss their security problems with their community organization which can inspect the homes and advise them in planning for greater home security.
7. "Operation Window Watch" consists of using volunteers who scan the block in which they live and report anything suspicious to the police.
8. Rape crisis lines which offer counseling, assistance with medical and legal referrals, and which oversee court cases involving rapes.

#### WAR ON CRIME COALITION PANEL RECOMMENDATIONS—OVERVIEW

(By Alderman Clifford Kelley)

The thrust of the recommendations of the blue ribbon panel of the War on Crime Coalition are focused toward two specific areas: action directed toward the elimination and prevention of crime, and streamlining and improving the criminal justice system.

Speaking specifically to the second area of concern, improvement of the criminal justice system is vital and it should be noted that the scope of need encompasses many areas. Reevaluation and improvement of the system must be comprehensive

and begun under the premise that no component of that system is so "sacred" as to escape close scrutiny by the community and government. Both agencies and individuals connected with the criminal justice system should be held accountable. The time has come to demand the most from those entrusted to the public service.

It must be noted that the "system" of criminal justice itself, is responsible for many of the inequities and inconsistencies now apparent. Blame cannot necessarily be leveled at those public officials who cannot carry out their duties and responsibilities to the best of their ability because of a breakdown in the criminal justice system. There are some public officials who have shown exceptional ability to work well despite the system. It should not be necessary to require these special efforts to simply get the job done.

Specific problems include judges overloaded with court cases, overcrowded penal institutions where conditions dictate only "stop-gap" programs and the police officer who because of the lack of permanent assignment, never becomes familiar with the area or residents where he or she works. Local officials who abdicate the responsibility of their position and the community that fails to demand accountability from its elected officials, all help to perpetuate the problem.

A prerequisite to any effective program of crime prevention is building the bond between youth and adults through a constructive dialogue of understanding. The breakdown in communication between youth and adults, and youth and police, only worsens an already intolerable situation. Programs must be geared toward opening channels of communication between all concerned. Periodic review of such programs to assess their effectiveness should be mandatory and the schools should be seen as an instrument for effecting such programs.

Effort must be expended in each and every segment of society to deal with not only the prevention of crime but also the elimination of those conditions, both social and economic, that encourage and perpetuate it.

The blue ribbon panel of the "War on Crime Coalition" makes the following recommendations in good faith, and with the hope, that through mutual cooperation between the community and governmental agencies, steps can be initiated to turn the corner in the War on Crime.

#### RECOMMENDATIONS OF THE WAR ON CRIME COALITION DEALING WITH CRIME PREVENTION AND FOR MITIGATING THE EFFECTS OF CRIME

*Finding 1.*—The easy accessibility of hand guns to all segments of the population not only adds to the number of violent crimes, but is the prime cause of them.

*Recommendation 1.*—Federal legislation must be enacted in all levels of government to restrict the manufacture, sale, ownership and use of all hand guns and ammunition.

The Coalition also is extremely concerned about legislative loopholes allowing the shipment of component parts for handguns from areas outside U.S. jurisdiction. Once these components arrive, assembly, sale and distribution is a matter of course.

*Finding 2.*—More local, state and federal fundings earmarked for established and non-established groups are sorely needed to attack and attempt to eliminate crime. Monies required to give the necessary tools to community-based groups to develop staff and implement their "own" crime prevention programs are at present, unattainable.

*Recommendation 2.*—That the mayor of Chicago give a total endorsement to the war on crime program and place directives with the appropriate agencies and departments to make it a priority of his administration.

Federal, state and local funds for community organizations for crime prevention programs will mirror the amount of actual commitment to the War on Crime. To reduce the extent and gravity of crime, an advisory committee including the Mayor of Chicago, the Superintendent of Police, City Council members, the business community, neighborhood residents, and other concerned individuals should be established to address itself to crime and the means of discouraging and eliminating it, and to the deteriorating effects of crime in the community and the city in general.

*Finding 3.*—Hard drugs are flowing into communities at an ever increasing rate. Dangerous drugs do play a very definite role in the increasing crime rates in urban and suburban areas.

Coupled with the above recommendation, **THE NUMBER OF CRIMINAL COURT JUDGES SHOULD BE INCREASED FROM ITS PRESENT NUMBER TO AT LEAST THIRTY.** Prosecutors and judges must expand and intensify the efforts needed to more promptly clear the innocent and convict the guilty.

*Finding 4.*—Rape cases are not being adequately handled by the Cook County State's Attorney's Office or the Chicago Police Department.

*Recommendation 4.*—

A. A full time court should be established to handle rape cases exclusively. Under present conditions, without a separate court for rape cases, the State's Attorney's Office must continually request delays and continuances because of the overcrowded criminal justice system.

B. More sensitivity must be shown to the rape victim by officers handling these cases.

C. The present rape laws must be reviewed and amended.

*Finding 5.*—There is a tremendous need for greater cooperation between communities and law enforcement officials under the jurisdiction of the Cook County Sheriff. The crux of the matter is, that without a full scale commitment on their parts, the prevention and hopeful elimination of crime is not much more than wishful thinking.

*Recommendation 5.*

A. There must be an all out effort between government, including law enforcement agencies, and citizens to build and recapture the mutual respect, trust and confidence of one another. Crime is non-discriminatory and affects everyone. Society must aim to develop a harder attitude toward criminal behavior. This new attitude, coupled with a professional interpretation and implementation of the law, is badly needed.

B. More attention must be directed toward youth. These changed attitudes toward crime and the law should begin with the young person, but he/she must be given something to respect. There is a need for more community youth programs, supervision and facilities so that they can be involved in meaningful social, recreational and job training programs.

New educational techniques must also be implemented in the schools containing teaching methods that stress values and value clarification rather than merely factual or conceptual approaches to learning.

*Finding 6.*—The present penal system is overcrowded and insufficient to comply with its mandate for rehabilitating offenders.

*Recommendation 6.*—Greater effort and funds must be expended toward creating a more favorable atmosphere for rehabilitation of those incarcerated in prisons and jails. Overcrowding of penal institutions must end if rehabilitation is to occur.

Concurrently, the ex-offender must be accorded better treatment and opportunity if he/she is to function as a part of an ordered society upon release from jail. More "out" programs similar to P.A.C.E. and "Operation DARE" are needed to cut the recidivism rate.

#### CHICAGO'S "WAR ON CRIME" PROGRESS REPORT

The rising crime rate has become another household phrase in our media-filled lives. The newspaper, radio and television news coverage is permeated with the incessant and violent inner-city crimes which are terrorizing our citizens.

In February of this year, journalist Ethel Payne decided to do something about this urban condition. As Associate Editor for the Sengstacke Publications, she had at her fingertips the resources with which to organize the Coalition of Concerned Women in the War on Crime, enlisting the support of Congresswoman Cardiss Collins and Mrs. Connie Seals, executive director for the Illinois Commission on Human Relations. Forty women responded to the Coalition's initial call for support.

The Coalition moved quickly to draft their initial objectives. The first logical step was to establish cooperation between law enforcement officials and citizens as a basis for a joint effort to combat crime. The groundwork for this effort was to be found in a program called "Operation Dialog" in which neighborhood residents, churches and local police, met in small groups to exchange information and to educate one another on respective problems and solutions concerning crime.

The *Chicago Defender*, in keeping with its policy of community involvement, began coverage of the War on Crime activities and regularly printed coupons

**soliciting citizen involvement (to which over 1500 concerned citizens have responded to date).**

On March 8th, 20 women from the Coalition met with Chicago Police Superintendent James Rochford and Deputy Superintendent Sam Nolan and were assured of their support for the War on Crime activities. The Coalition called upon the Police Department's cooperation in the following areas: elimination of racial disparities in testing police recruits; expansion of the human relations course in police training; quicker responses to calls for help as well as guaranteed protection of witnesses to a crime to obviate reprisals; and police participation in regular meetings of Black and Brown citizens to hear their grievances and suggestions ("Operation Dialog").

April 16th marked the first open community meeting of "Operation Dialog", held in Carter Temple under the guidance of Rev. Leonard Barnes with the active participation of Isaac Hawkins, Jr., Chairperson of the Chatham Park Patrol.

A major anti-crime rally, sponsored by the Coalition was held in the Civic Center Plaza on June 14 with 68 community organizations participating. Another rally was held on Chicago's Westside, and on August 14th, Superintendent Rochford headed a "Walk on the Westside", talking with community residents along the way in an effort to further open lines of communications between citizens and law enforcement officials.

Recently, the Coalition of Concerned Women enlisted the support of the Southwest Metropolitan Crime Commission, an organization consisting of 30 Chicago block clubs. Together, they are conducting small in-home workshops on the Southwest side, to air problems and to devise preventative programs to deal with crime. Local police are contributing to the program by disseminating information on the nature of criminal activities for a particular area. Equipped with the knowledge of the type of crime and the peak hours for criminal activity in their area, citizens can proceed to formulate a program to combat crime.

An Englewood Rally for the War on Crime will be held October 24th to demonstrate the support and involvement of Englewood citizens.

Other stalwarts in the War on Crime include: Mrs. Jean Martin, whose personal commitment to the War on Crime has been the basis for her unparalleled dedication to the Coalition's effort; Earlean Lindsey, community representative for the Mile Square Health Center and the Westside liaison for the War on Crime; Rosa Moore, public relations director for the Mile Square Health Center; Mr. Willie Pittman, a long-time Englewood resident and community organizer; Andrew Barrett, executive director of the National Association for the Advancement of Colored People; and James Rottman, executive director of the National Conference of Christians and Jews.

The Coalition of Concerned Women is now 1500 members strong. Through their commitments and the continued support of co-chairpersons, Cardiss Collins and Connie Seals, and coordinate, Ethyl Payne, the War on Crime's goals can become reality.

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#### STATEMENT BY JAMES W. COMPTON, EXECUTIVE DIRECTOR, CHICAGO URBAN LEAGUE

Distinguished Members of the House Committee on the Judiciary: Thank you for extending to the Chicago Urban League the opportunity to testify on the use and control of handguns in the city of Chicago—particularly as it affects the black and minority communities.

#### TESTIMONY ON THE USE AND CONTROL OF HANDGUNS

The Chicago Urban League is an inter-racial, non-profit, human relations organization which has provided 59 years of specialized leadership and experience in helping to make metropolitan Chicago a better place for all through the improvement of race relations. While the League's efforts are focused on the advancement of the welfare of blacks and other minorities and the elimination of the difference in life chances between the poor and affluent individuals in our society, the best interests of the total Chicago community are always of major concern. It is within this framework that this testimony is offered.

While the Chicago Urban League has long recognized the great need to develop and enforce effective handgun legislation, the current atmosphere of urban

violence, which permeates our communities today, dictates that the drive for specific federal legislation take on new dimensions in the months ahead. It is simply not enough to cite statistics and express concern about the rising violent crime rate. Action must be taken which is reasonably calculated to reduce the incidence of major crimes and senseless violence. The handgun issue—specifically the senseless human loss of life—is today a primary concern in minority communities. It is the posture of the minority community at large and the Chicago Urban League that no amount of socio-economic theorizing can excuse the unnecessary destruction of human life.

In many communities, black on black crime has reached epidemic proportions. A major contributing factor, among other things, is the increased shootings and killings resulting from the free wielding use of cheap and easily accessible handguns. Based upon a possible formula constructed by Attorney General Edward H. Levi, a measure for determining whether or not an urban area has reached a high level of violent crime is "in each area where violent crime rose 20 per cent above the national average or if it rose 10 per cent in areas where it already was 5 per cent above the national average. If this had been the law in 1972 . . . the federal handgun ban would have been triggered in 62 metropolitan areas including Chicago, New York City, Washington, Baltimore, San Francisco and Los Angeles." Nevertheless, says Attorney General Levi, "existing federal regulations and controls enacted in scattered states have not removed the fear caused by the estimated 40 million handguns now in the United States—a number growing by 2.5 million a year."

Not only are black men and women afraid to walk the streets, but they are also afraid to venture out to attend those meetings which are designed to eradicate the causes of their legitimate fears. Gangsterism and terrorism, be it organized or spontaneous, have put residents of certain areas on 24 hour notice that they run the risk of becoming a victim. As a result, more and more black citizens have become victims of crime and various forms of criminal activity. No place is sacred, not even the church.

In a quest to equalize the odds and gain some sense of protection, more and more citizens are purchasing and carrying weapons. They say they would rather be caught with a gun than without one. This, however, increases the possibility that someone will be killed or maimed.

On April 12, 1975, the Chicago Defender published an in-depth study of inner city homicide in the Chicagoland area entitled, "Blacks Kill Blacks In Record Numbers". According to the report, carrying a weapon is not the solution for crime and criminal activity. In fact, the owner of a gun is more likely to use his weapon against a member of his family or some other person with whom he is familiar than he is against a rapist or robber; or possibly a member of his family or a friend may gain access to the weapon and use it against the owner. For instance, the report indicates that of the 970 homicides committed last year, 524 were committed inside a building. A more startling statistic is the fact that in 607 of the reported homicides, the victims knew or were related to their killers. The report indicates that of the 970 murders committed in Chicago in 1974, 669 killers chose a gun to settle the matter. Of the 506 murders of black men and women whose alleged offenders have already been recorded in police statistics (168 have not), all but seven murders were committed by blacks. For additional amplification, I would submit for your consideration the Chicago Police Department's 1974 homicide report entitled, "Murder Analysis".

We realize that gun control is not a panacea for urban crime. We also understand the need for all citizens to feel safe and secure in their homes and when walking the streets. We, therefore, call upon the local and federal law enforcers, starting with the Chicago Police Department and ending with the Justice Department, to take the necessary action so that all the citizens in the greater Chicagoland community, will feel safe, and have reason to believe, that the law enforcement officers will serve and protect them and their property. Then it is possible that people will not feel the need to have a gun because they are afraid of crime, and hopefully, citizens will begin to let the police and courts settle disputes and arguments rather than feeling that they have to enforce the law, or what they perceive to be fair, by protecting their lives and property.

The Board of Directors as well as the Business Advisory Council of the Chicago Urban League recognizes the need to eliminate the ready accessibility of handguns and thereby cut down and possibly eliminate the role of guns in violence and other criminal activity. We also realize that legislation banning the purchase and use of handguns needs to be uniform for optimal effectiveness. We, therefore,

respectfully call upon the leadership of the 94th Congress of the United States, and particularly, the Illinois Congressional Delegation, to introduce and pass legislation prohibiting the manufacture, sale, possession and distribution of handguns, handgun ammunition and their components—with the exception of the military and law enforcement personnel. Based upon this kind of legislation, we will begin to lay the necessary groundwork for establishing and insuring an environment, where every citizen—regardless of race, creed, color or socio-economic status—is guaranteed the safety of his person, home and neighborhood . . . an environment which is conducive to optimal human development. Let it be understood that the absolute prohibition of handguns is but one step toward establishing such an environment.

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STATEMENT OF JAMES RUSSELL, LEGAL STAFF, NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE

Mr. Chairman, members of the Subcommittee: The Chicago Chapter of the NAACP supports any type of gun control laws or the amending of present laws that will help alleviate the present illegal use of handguns.

Any effective law or changes in the present Gun Control Act should address itself towards restricting the illegal flow of handguns into this country, e.g. cheaply made foreign weapons commonly known as Midnight Specials.

Any change in present handgun laws should impose harsher penalties on private owners that don't register their weapons.

The Federal Government should shoulder the major burden of controlling gun regulation since the flow of commerce is almost totally within the purview of congress, also harsher. Federal penal laws on the illegal use of handguns would lend uniformity throughout the nation obviating individual state laws that may be too harsh or lenient.

Mr. CONYERS. That will enable you to move forward in the discussion in any way you would like, and then perhaps we could have some discussion in the form of questions and answers when you have finished.

So let the women in the war on crime begin their testimony first, if you would like.

TESTIMONY OF ETHEL PAYNE, CHAIRPERSON, AND CONNIE SEALS,  
COCHAIRPERSON, CONCERNED WOMEN IN THE WAR ON CRIME

Mrs. PAYNE. I would like to introduce Mrs. Connie Seals, who is Cochairperson of the Coalition of Concerned Women in War on Crime.

She has a very brief statement.

Mr. CONYERS. Fine.

Mrs. SEALS. If it is all right with you.

Mr. CONYERS. It certainly is.

Mrs. SEALS. We appreciate being invited and I would, for the record, just like to go through our introduction and the first part of our statement which I think makes the case.

Mr. CONYERS. Fine.

Mrs. SEALS. Since its inception, the Coalition of Concerned Women has had for one of its major priorities the problems created by the easy accessibility to handguns.

The very reason for our founding was predicated on tragic incidents that had personally occurred with members of our organization, some of whom are here today.

Just as important as the need for taking guns off the market, is the emotional impact that these lethal weapons bring in the wake of their senseless use.



Families have been unnecessarily deprived of their breadwinners. Children have been crippled for life and with each new assault, one more burden is added to the criminal justice system in the matter of apprehension, detention, and trial of the offender.

The Coalition of Concerned Women in the War on Crime calls for an all-out ban on the manufacture, sale, possession, and distribution of handguns, handgun ammunition, and component parts throughout every spectrum of society—nationwide—excluding law-enforcement officials.

The Chicago Gun Control Ordinance became law in April of 1968. As written, it is a very strict law. However, more than half of last year's 970 murder victims were killed with handguns so it doesn't mean the guns are not available. It just means that you have got to have the right contact and/or the price is higher.

There are many contributors to the city's increasing crime rate.

The Chicago Police Department has no say in enforcing the gun law outside the city limits. This creates great havoc and frustration. This confusion extends nationwide, as there are some 25,000 gun laws which have little or nothing in common. Some are, in fact, contradictory. Regardless, they are only applicable within certain boundaries and if a violation occurs outside these limits, nothing can be done. The violator gets away, or may strike again and the odds are great that he won't be caught.

The Federal and Illinois gun control laws are weak and need serious revision. We encourage the immediate passage of strong Federal legislation that will outlaw the possession of handguns by private citizens, except in cases of extenuating circumstances.

National poll surveys indicate that most Americans are indeed in favor of stricter gun control laws.

These handguns too frequently get into the wrong hands. Carelessness has been the cause of many injuries and deaths within our homes. Americans die at a rate of 3,000 each year from gun accidents.

A loaded handgun has killed many children who saw it, innocently played with it, and subsequently shot themselves to death or some other relative or acquaintance. Younger persons are becoming users of handguns. Countless cases attest to this fact.

Last year the Chicago Police Department confiscated almost 19,000 guns that were either used in crimes or carried illegally.

Many burglaries are committed solely for the purpose of stealing a gun. They are very easy to obtain. One can go to a gun shop in Chicago or a neighboring suburb or even a nearby State like Indiana, meet the flimsy requirements, and make your purchase, not limited to quantity either.

The November 16, 1974, breakdown of registration into specific categories showed that Chicagoans had registered 206,000 revolvers, 87,000 automatic pistols, 117,000 rifles, 123,000 shotguns and about 9,000 special guns. This, however, does not reflect the total number of guns floating around as many are not registered and gun owners frequently have more than one gun.

Last week U.S. Attorney General Edward Levi offered his proposal on the gun control matter. He called for a ban on handguns only in those cities with high levels of violence and street crime. He said it would provide gun control in cities where it is needed and wanted,



while making an accommodation for the opposition to control guns in rural areas.

Speaking on behalf of the Coalition, I feel that the Levi proposal is discriminatory and serves only to exacerbate widespread fear and resistance in the black and minority communities, that handgun control is designed to take the guns away from blacks and other minorities and leave them in the hands of whites who will be free to shoot to kill under the guise of protection.

It is also my belief that unless the law can be made equitable it will serve only to encourage more law breaking.

This is the crux of the problem. I would say that I have stated our position.

Mr. CONYERS. Very good.

Mrs. SEALS. And I would like to add that we can hardly end any note on our position as well as the Coalition's without giving suitable tribute to one medium in this city, the Chicago Daily Defender, which has, from the beginning, been the mentor and the major support of the Coalition of Concerned Women.

I would like to enter further into the record a series of articles that have been written in the last week and are still being run on "Murder One" which is the title, in the Chicago Defender and it spells out the inner-city case as well as the nationwide plea for Federal gun control.

Mr. CONYERS. Fine, they will be accepted for the record.

[The articles referred to follow:]

[From the Chicago Defender, Apr. 9, 1973]

#### MURDER 1—GUNS CALL SHOTS IN WAR ON CRIME

In Congress, at least 23 bills to change the gun laws have been offered at this session.

The bills range from an outright ban on the manufacture of handguns to the lifting of present restrictions on the mail-order sale of guns. But, because of the emotional and controversial ramifications of gun control legislation, things look dim for any more Federal restrictions on the availability of revolvers and automatics being enacted this year.

Too many people do not want strong gun controls and those who do would prefer that someone else's gun be controlled rather than theirs.

Many blacks express fear that gun control is a plot by whites to disarm blacks of their civil rights. Many whites vocalize and write letters about how they fear gun control is a do-gooders plot to put whites at the mercy of blacks.

Yet local law enforcers in this area, starting with police and ending with judges, all agree that it is Federal legislation, and that alone, which will call the shots as far as any nationwide offensive against the rising rate of gun-related homicides and accidental fatalities.

Criminal Court Judge Earl Strayhorn is just one of many, when he expresses his opinions on this subject: "Of course I believe—and strongly—that there is an urgent need for anti-gun legislation. But, to be effective, it has to come from the Federal government. There's just no other way."

And the chant goes on: "Federal legislation."

#### NOW'S A CHANCE

Rep. John Conyers, Jr. (D-Michigan), chairman of the Subcommittee on Crime, which is considering more than 20 firearms bills and is holding hearings in Chicago on proposed legislation on April 14th and 15th, says that he has found "a growing consciousness on the part of House members that something will be done about the problem on handguns during the 94th Congress."

He is endeavoring earnestly to draft a handgun control measure that will not be a legislative act of futility.

The Judiciary committee recently concluded the first phase of extensive hearings which saw a number of Congressmen go on record as supporting stiff gun control measures. This crime subcommittee is expected to report an effective proposal for curbing the high incidence of gun crime.

During the past weeks a parade of mayors, governors, law enforcement officials, sportsmen and private citizens have made their views known on the highly volatile gun control issue in private hearings before Conyer's subcommittee that have been described by Conyers as "dominated by reason and rationality, with everyone wanting to deal with facts, not emotions."

He expects this attitude to continue through the first phase of on-the-road public hearings, including those in Chicago, because: "This is the first time that the Congress has had an opportunity to consider this issue in anything but an emotion-packed atmosphere; we worked under the weight of national tragedies in 1964, 1968 and 1972, but now we have the chance to look at it with clear minds."

Conyers, when asked about the gun lobby, has emphasized "that the crime subcommittee has had good relations with this interest, and I think both sides recognize that the lines of communications are open."

#### BUILT-IN SILENCERS

But Conyers, who is black, has to contend with arguments as old as the U.S. Constitution and as new as the growing crime rate that already lists handguns as responsible for 70 percent of all homicides, a statistic that is rising right along with other handgun-related crimes and accidents.

Striving for "a thread of agreement" in a country that has "made a national creed of nationalism", Conyers is delicately treading the waters while his subcommittee tests the waters of the nation.

Many U.S. House of Representatives—representing a changed complexion of Congress that includes 75 new House Democrats—think that the subcommittee's efforts will not be totally in vain. One local retread freshman, Abner J. Mikva, has spoken out already for a total ban on handguns except for the military, peace officers and "authorized" private citizens, such as members of target-shooting and hunting clubs. Rep. Mikva also has advocated a bounty system that would encourage present gun owners to turn in their guns, a position supported by Chicago Police Supt. James Rochford and other national law enforcement officials.

That's nice, but of course hot ol' Baltimore, Md. provided the first in that one.

There, last year, when a bounty was offered, there were 8,000 firearms turned in—for a price (\$50 per weapon and \$100 per informant regarding an illegal weapon) during a nine-day period . . . 3,661 handguns and 4,352 others. It was judged a costly but highly informative exercise in human greed versus human defense. The winner is still to be decided, not only in Baltimore, but in other staunchly-armed metropolitan and—not to be ignored—urban/suburban and rural areas.

The lure of cash overcame a lot of other sins of neglect or whatever in Baltimore, where the climate of violence and the fear for safety had accounted for 112 fatal shootings by August of 1974, when the city's Operation PASS paid out its first \$50.

PASS (an acronym for People Against Senseless Shootings) at first offered the payments for all weapons that could be fired, but in a short time paid cash on the barrelhead for only the handguns they wanted. This only came about because of the overwhelming amount of really unexpected business. By late afternoon of the commissioner's announcement, lines of citizens were surrendering weapons and collecting cash at police stations throughout the city. With the first rush past, the police received as the year 1974 wound to its end an estimated 100 weapons per day. People who want private ownership of arms eliminated everywhere are quick to note that guns flow freely into Baltimore—as in other cities—from outside, raising the possibility of a black market.

"Nevertheless," says Donald D. Pomerleau, Baltimore's police commissioner. "It should be evident that the removal of 10, 15 or 20 thousand guns from potential theft and use will have an impact on violent crime and senseless shootings. While we will never know how many lives our bounty program has saved, it is clear to us that PASS meets the mandate of the federal Safe Streets Act to reduce crime in public and private places."

And it's all back to that same ballgame—the Federal mandate. Where do we go from here?

[From the Chicago Defender, Apr. 10, 1975]

**MURDER 1—ANSWERS ON CRIME CAUSES HITS, MISSES**

(By Joy Darrow)

Ask a stupid question and you'll get a few sound answers.

Pose a problem and you can always get an opinion.

Problem: Why are urban crimes of violence on the increase? Next: A variety of opinions:

"There are never any easy answers to any bit of human behavior. If you feel financially insecure, no job, no income, you are starving, you take it out somewhere. Murder and violence—that's often the panic stage."—Dr. Jules Masserman, professor emeritus of psychiatry at Northwestern University and president of the International Assn. for Social Psychiatry.

"There aren't that many more crimes today, not any more than in the age of Socrates. What there are more of are reported crimes."—Jim Doherty, public defender's office.

Inflation and surging unemployment as causes of violent crime sound logical to Charles V. Matthews, director of the Study of Crime, Delinquency and Corrections at Southern Illinois University (SIU). "But," he cautions, "both the U.S. and Germany have had rising (violent) crime rates in economic boom periods. We also have had periods in which crime rates go down in times of economic recession. What is occurring now is not the same as what occurred in the early '30's."

"Chicago's bloody weekend of murder and mayhem made the case for gun control legislation more effectively than any words. Of the 23 persons slain, another 76 were shot and an additional 16 suffered stab wounds." Chicago Daily News, 10/13/74. Chicago Defender statistics showed that during that time period, 27 black men and 11 black women suffered gunshot wounds.

**OUT-OF-WORK ANSWERS?**

"When people are unemployed and feel powerless and can't maintain a sense of self-respect through work, the incidence of crime and violence against each other increases."—Dr. Harold Visotsky, chairman, Northwestern University Psychiatry Department.

"I would assume that violence in the ghetto is exacerbated by poverty, disease and joblessness. There's a feeling of hopelessness brought on by poverty and inflation."—Rev. Henry Hardy, pastor, Cosmopolitan Community Church, Chicago.

**TOO COMPLEX ANSWERS?**

"It's a complex set of causes. It's several things working together." Dr. Daniel X. Freedman, chairman, University of Chicago's Department of Psychiatry.

"The homicidal wish (customarily present in violent confrontations) may seem to be directed outward toward some external threat, but it could mask the threat the individual feels from his family. 'Are they giving more than I can give? . . . Do they love me? . . . Am I a failure to myself? . . . Somewhere in the back of his mind he may think, 'I can always shoot my family and kill myself.'"—Dr. Arnold A. Tobin, associate, Institute for Psychoanalysis. He was commenting on the subject of why people buy guns.

**SO, IT'S BACK TO GUNS**

"I personally would outlaw all handguns. Period."—Lt. John Gorman, chief of the Area 4 homicide unit, the area that proved statistically the most dangerous to inhabit, according to 1974 police records.

Lt. Gorman has more to say on this subject: "It seems that violence is really on the upgrade. A few years ago, in a normal robbery, the victim would be told it was a stick-up, to hand over the money, and then the robber would run. Today they shoot."

"The whole society has to start dealing with the epidemic of violence. It doesn't do any good for the pro-gun people to get angry with the anti-gun people if neither group understands the underlying motivations of the other."—Dr. Arnold A. Tobin, an associate with Chicago's Center for Psychosocial Studies.

## SHOOT? WHY?

"We have to assume that anyone who buys a gun—whether an upper-class resident of the North Shore or a resident of a black ghetto—not only wants to protect himself but might have homicidal-suicidal impulses. Being heroic in death, you recoup all your shame and humiliation: 'I go to my death. I protect my family. I go to my death heroically.'" Dr. Tobin.

"Charley Mathie (of Detroit, Mich.) took off his shoes last week and was shot to death when a friend didn't like the smell of his feet. It went down on police records as a fatal shooting prompted by 'allegedly odoriferous feet!'" (Chicago Sun-Times, 9/4/74.)

"Guns are necessary so that people can protect their homes." Russ Meek, head of Search for Truth; excerpted from testimony presented at hearings conducted by coalition of Concerned women on the War on Crime.

"After a person buys a gun, he can feel the weapon, carry it for a sense of power in real or threatening situations, take it out of the drawer and look at it. He recaptures that good feeling whenever his pride is threatened."—Dr. Tobin.

## PRIDE AND UNEMPLOYMENT

"Violence is predictable. I'm not cavalier, but when you take high unemployment, a steady pattern of poor enforcement of the law and a growing pattern of fear, it follows as clear as night and day that things are going to get worse."—State Rep. Harold Washington (D-Chicago.)

"I think unemployment is problem No. 1. Being on relief is no answer at all. In the ghetto, where there is overcrowdedness, there is a tendency toward violence. People get on each other's nerves."—Rev. Clay Evans, pastor, Friendship Baptist Church.

"Three children were wounded Saturday night (1/26/75) when the father of one of them fired six shots through the door of the apartment."—Chicago Defender—1/27/75.

## NERVES AND WHAT ELSE?

"There are so many altercations here over the damndest things. Maybe it's frustration."—Lt. John Gorman.

"Two men who reportedly became angered when a Westside tavern owner was closing Duke's lounge and refused to sell the men a pint of whiskey will face murder charges in criminal court today. Police said the suspects shot James Rodgers, 39, several times in the face and chest as he attempted to lock the front door to the tavern at 2657 W. Roosevelt."—Chicago Defender, 3/31/75.

"In the past, a majority of murder victims knew their killers. But statistics indicate a skyrocketing increase in the number of strangers killing strangers."—Dr. Tobin.

"The body of a young man slain while he reportedly tried to steal hubcaps from a luxury automobile remained unidentified late Monday. Police said the dead man, believed to be in his early twenties was gunned down by the owner of the Cadillac Eldorado who caught him outside his home removing the hubcaps."—Chicago Defender, 10/29/74.

## SQUIRMINO STATISTICS

542 murders were committed (in 1974 in Chicago) during various kinds of altercations—domestic, gambling, drinking, traffic, arguments, money, etc."—The 1974 "Murder Analysis" report of the Chicago Police Department.

"David Bureaux, 19, of 430 W. 65th pl., allegedly shot Brenda Boone, 15, because the girl told his older sister, Cheryl, 22, that he borrowed her car while she was at work and wrecked it. Police said Bureaux, who has been named in a murder warrant, took the car to the 7800 block of Stony Island, where he smashed into three cars. When the sister returned, an argument developed with Bureaux running from the house threatening to 'get everyone who has turned my sister against me.' He shot Brenda and fled."—Chicago Defender, 10/23/74.

"Some people feel they have a right to own handguns, but I think it's about time we became an enlightened society."—Chicago Police Supt. James Rochford, a statement made after the October 1974 rash of violent crimes in Chicago, predominantly murders. He also went on record with the following: Guns are "killers", not "protectors", and, "The shooting figures clearly point out the scope of the tragic occurrences that happen every day in the city." He then—as before

and since—called for a “Federal moratorium on the possession, manufacture and sale of handguns.”

“In a ghetto, a young person may feel he doesn’t have the tools to deal with the world around him and its immediate pressures. He may feel he lacks the verbal skills for logical and reasonable discussion. He can’t sell himself and he blames society for his lack of intellectual tools.—Dr. Arnold Tobin.

[From the Chicago Defender, Apr. 12, 1975]

## MURDER 1—BLACKS KILL BLACKS IN RECORD NUMBERS

(By Joy Darrow)

Blacks have good reason to fear violence from blacks and the strong fear expressed by many whites of homicidal black violence has absolutely no foundation in facts.

Last year 99.6 percent of all backs murdered were killed by blacks. That’s a record, unfortunately.

It’s the exact and devastating statistic that comes as the shock. For that means that 675 of the 682 blacks murdered had blacks as their executioners.

In only .009 percent of the murders of blacks were the killers white; but in black-on-white murders that ratio was 15 percent.

The details of who killed whom are all laid out in the accompanying chart, on the left side of this page. Other “whodunit” facts and figures that help to spell out the facts of urban violence in Chicago follow.

In 1974, 78 of all the murders in the city resulted from marital mishaps; 23 relatives were done in by relatives; 20 “romantic relationships” were fatally terminated; 5 business relationships ended for good; and the other relationships between victims and offenders were less distinct.

Those involved in marital homicides included 19 husbands who killed their legal wives and 26 husbands who killed their common law wives; and 17 wives murdered their legal husbands and 16 common law wives did the same.

Six fathers shot their sons, 3 brothers (blood) their brothers, 2 sons their fathers, 3 daughters their fathers, 2 daughters their mother, 1 granddaughter her grandfather, 2 cousins their cousins, 1 aunt her nephew, 2 uncles their nephews, and 1 half brother his half brother.

One son-in-law murdered his father-in-law, 6 brothers-in-law their brothers-in-law, and 1 brother-in-law his sister-in-law.

Eleven boyfriends killed their girlfriends and 9 girlfriends their boyfriends.

Two janitors killed tenants, 1 tenant a landlady, 1 employer an employee and 1 co-worker another co-worker.

Eighty-six friends killed friends, 22 neighbors wasted their neighbors, 283 people killed an acquaintance, 216 other murderers knew their victims but the type of relationship was not able to be established, and 229 other murderers were totally unacquainted with their victims.

## AND HOW?

When money was the cause of the homicide, 38 killers choose a gun to settle the matter, another 13 stabbed the victim and 8 others used an assortment of other means. In general domestic disputes, 58 murders used guns, another 27 used knives and 6 found another way.

One fourth of the 19,510 murders in the U.S. during 1973 were committed within the family; one-eighth involved a man killing his wife, or a wife her husband.

When a teen gang was responsible for a murder, guns were used in each of the 33 incidents. In love triangles, 37 offenders used guns and another 16 stabbed their victims.

In all 10 gambling arguments resulting in death, guns were used and in four of the five altercations caused because of race, it was guns. Five traffic arguments ended in murder by a gun and in 12 cases where liquor was considered the cause, 12 offenders used guns and another 5 used knives.

Intoxicated, however, were involved in 295 homicide cases, or 30 percent of the time.

When it came to armed robberies, the attackers obviously felt safer with a gun—156 killers used guns and another 26 stabbed their victims.

Careless use of weapons resulted in 20 deaths last year in the city.

Only in the 7 reported deaths because of child abuse were there not guns used. In all, there were 609 fatal shootings in 1974, 178 persons dead from stabbings and 123 by other means.

Some experts in the field of death—both preplanned and unexpected—feel that the U.S. is experiencing a suicide epidemic. While gun violence is the most recent and alarmingly effectual phase of this, other types of behavior are indicative of subconscious but frequently surfacable wishes to take the big, brave giant step—such as excessive drinking (30 percent of this area's murders in 1974 were in some ascertainable degree of intoxication), smoking, overeating, careless driving (now not as easy as it was before the 55 mph speed limits), pillpopping and the hoarding of sleeping pills, even the high divorce rate (2 out of 5) offers fodder for this theory.

#### WHAT'S THE "OTHER"?

The "other" lethal weapons used in the 123 cases mentioned above ranged from hammers (2 deaths), table legs (2), baseball bats (3) and a house brick (1) to a pair of pants (1 death), a phone cord (1), an ash tray (1), panty hose (1), natural gas (1) and an automobile (1).

Then there were other murders by a pool cue, a tree limb, a wine bottle, a shoe string, and a shoe. Six homicides were caused by gasoline and 22 other persons were bludgeoned to death with an unknown type of weapon.

In the 178 stabbings, kitchen type knives were used in 54 cases and pocket knives in 14 others. Hunting knives accounted for 9 other instances, boning knives in 5 and a bowie in 3.

#### GUN TYPES

When it came to guns, revolvers were the most favored (366 murders), with the .38-calibre used the most (217 times). Automatics came in second (94 cases), with the .25-calibre used the most (40).

Shotguns were responsible for 44 deaths, rifles another 18, and Derringers another 4.

#### BUT WHERE?

It was safer outside than inside last year.

Of the 524 homicides committed inside a building, the residence of one or another of those involved was the all-time favorite (393 murders). Inside apartments there were 271 murders, and there were 56 in hallways, 38 in houses, 14 in hotels, 7 in basements, 4 in garages, 2 in motels and 1 in a rooming house.

In places of entertainment—a questionable description of a place at a time like that—there were 60 murders in taverns, 2 in poolrooms and 1 in a theatre. Twenty two victims were killed in retail stores, 16 in other commercial places, 10 in gas stations, 8 in restaurants and 3 in factories.

Under "miscellaneous" inside places, we find that 3 murders were carried out in abandoned buildings, 2 in public schools, and 1 each in a church, nursing home, elevator and guard shack.

#### ON THE OUTSIDE

Here there were 264 victims murdered on the street, 48 in alleys, 19 in yards, 34 in automobiles, 23 in vacant lots, 15 in parking lots, 8 on porches, 6 in gangways, 11 in parks and 4 in railroad yards.

Murder on wheels occurred four times in taxi cabs, twice on C.T.A. vehicles and twice in trucks. And there was one murder each in a school yard, scrap yard, swimming pool, on a beach and in the lake and the Chicago river.

#### RACIAL CROSSFIRE IN CHICAGO

In Chicago in 1974, homicide crossed black-white racial lines in 7 percent of the 715 cases where the race of both victim and offender was known. Thus, 43 blacks killed 29 whites and 4 whites killed 4 blacks, compared to 1973 when 71 blacks killed 49 whites and 2 whites killed 3 blacks.\*\*

3 white males killed 3 black men.

0 white males killed 0 black women.

1 white woman killed 1 black man.

\*\*In murders involving more than 1 offender, the racial identity noted here is that of the offender listed first in police department records.

0 white women killed 0 black women.  
 32 black males were involved in the killing of 21 white males.  
 10 black males were involved in the killing of 7 white women.  
 1 black female killed 1 white man;  
 0 black females killed 0 white women.

#### LATINO (MEXICAN AND PUERTO RICAN)-WHITE CROSSFIRE.

15 white males killed 13 Mexican males.  
 1 white male killed 1 Mexican female.  
 10 white males killed 8 Puerto Rican males.  
 0 white males killed 0 Puerto Rican females.  
 1 white woman was involved in a victimless crime with 1 Mexican male.  
 0 white women killed 0 Mexican females.  
 1 white female was involved in a victimless crime with 1 Puerto Rican male.  
 0 white females killed 0 Puerto Rican females.  
 5 Mexican males killed 3 white males.  
 1 Mexican male killed 1 white female.  
 3 Mexican males killed 3 black males.  
 0 Mexican males killed 0 black women.  
 0 Mexican females killed 0 white males or females and 0 black males or females.  
 12 Puerto Rican males killed 7 white males.  
 1 Puerto Rican male killed 1 white female.  
 10 black males killed 7 Puerto Rican males.  
 0 black males killed 0 Puerto Rican women.  
 3 black males killed 3 Mexican males.  
 0 black males killed 0 Puerto Rican women.  
 0 Puerto Rican males killed 0 black males or women.  
 6 Puerto Rican males killed 6 Mexican males, but no Mexican females.  
 0 Puerto Rican women killed 0 white or black males or women.

\*Racial/ethnic origins were unknown in the murder of: 48 white males, 14 white women, 140 black males, 28 black women, 14 Mexican males, 1 Mexican woman, 5 Puerto Rican males, 1 Puerto Rican woman—a total of 226 homicides.

Adding up the above figures, they show that 28 whites killed 20 Latinos (both of Mexican and Puerto Rican origins) and 19 Latinos killed 12 whites in 1974.

Black-Latino homicides show that 13 blacks killed 10 Latinos, and 3 Latinos killed 3 blacks.

In percentages, this means that .008 percent of the murders of blacks were committed by whites, but 15 percent of the murders of whites were committed by blacks.

But the percentages of black-on-black crime last year were devastating. Of the 506 murders of black men and women whose alleged offenders have already been recorded in police statistics (168 have not), all but seven murders were committed by blacks (four by whites and three by Latinos).

That means that 99.6 percent of all blacks murdered in 1974 were killed by blacks.

#### BLACK-ON-BLACK MURDERS IN 1974 IN CHICAGO

420 black males killed 341 black males . . . (another 140 homicides of black males are unsolved).

91 black men killed 83 black women.  
 79 black women killed 69 black men.  
 14 black women killed 13 black women.

#### WHITE-ON-WHITE MURDERS

54 white males killed 47 white males.  
 13 white males killed 13 white women.  
 2 white women killed 2 white males.  
 1 white woman killed 1 white woman.

## LATINO-ON-LATINO MURDERS

36 Mexican males killed 29 Mexican males.  
 1 Mexican male killed 1 Mexican woman.  
 1 Mexican women killed 1 Mexican woman.  
 0 Mexican women killed 0 Mexican men.  
 22 Puerto Rican males killed 18 Puerto Rican males.  
 2 Puerto Rican males killed 2 Puerto Rican women.  
 1 Puerto Rican woman killed 1 Puerto Rican male.  
 0 Puerto Rican women killed 0 Puerto Rican women.  
 1 Mexican male killed 1 Puerto Rican male.  
 0 Mexican males killed 0 Puerto Rican women.  
 6 Puerto Rican males killed 6 Mexican males.  
 0 Puerto Rican males killed 0 Mexican women.  
 0 Puerto Rican females killed 0 Mexican males or females.  
 0 Mexican females killed 0 Puerto Rican males or females.

## PERSONS INVOLVED AS OFFENDERS IN HOMICIDES LAST YEAR IN CHICAGO

97 white males.  
 6 white women.  
 568 black males.  
 96 black women.  
 47 Mexican males.  
 1 Mexican woman.  
 43 Puerto Rican males.  
 2 Puerto Rican females.  
 262 others cases still undetermined.

## GUNS FLOURISH ON LOCAL BATTLEFIELD

(By Joy Darrow)

At the present rate of murder by handguns in the U.S., there will be a greater number of persons killed by handguns in the next three to four years than there were American soldiers killed in battle during the 12 years of the Viet Nam conflict (January, 1961 through March, 1973).

The national homicide rate in 1973 countrywide was one murder every 30 minutes.

That adds up to about 48 murders a day.

Chicago did its part in this statistic, contributing almost two and a half murders a day—setting a record year with 864 homicides. That was in 1973.

In 1974, the city broke its previous year's record—with 970 slayings. Of this total, 669—or 69 percent—of the victims were killed by the use of firearms. And breaking it down even further, 490 victims—or 50 percent—were murdered with handguns. The favorite handgun used citywide in slayings was the .38-calibre; total deaths—217.

This past year's most murderous year in Chicago history sank its teeth the hardest in the city's black community. The Area 4 police district, which takes in the Westside's Monroe, Wood, Fillmore and Marquette districts had 263 murders, recorded the highest death toll of any of the six districts. Area 4 also accounted for just under half of the 547 blacks who were murdered last year.

Of the 970 murders in 1974, at least 664 were carried out by blacks, according to a recent report put out by the Chicago Police department, "Murder Analysis, 1974."

## NUMBERS AGREE

Chicago's figures of homicides in 1974 pretty much agree with what's going on across the country, in cities, suburbs and small towns—wherever there's a bookkeeping system for adding up crime.

And wherever this number gathering is going on, the same sad statistics keep showing the gun mania in the U.S. breaking their own records.

Some Starters:

125 murder victims in Chicago under the age of 21 were killed by firearms;  
 156 robbery victims killed by firearms, and 41 robbery victims were killed by other means . . . (Of the 15,756 robberies committed with the use of firearms in 1974, 95 percent were by handguns);

370 (or 38%) of those persons involved in altercations (that means feuding,



either public or private) were slain by firearms, 542 murders were committed during altercations—domestic, gambling, drinking, money arguments, etc.

Six police officers were killed in line of duty by handguns, and other—not officially recorded—police and security officers suffered fatal altercations while off duty;

Of the 1,122 offenders apprehended for homicide by police last year, 294 or 26 percent were under the age of 21 and, of these, 204 offenders used firearms to commit murder;

396 of the homicide victims (not always slain by firearms) were either friends, neighbors or were in some way acquainted with their murderers. Also, 129 of the victims were either married, had legal or blood relationship or a romantic interest with the person who killed them;

442—or 45 percent—of the murder victims had criminal records;

531—or 61 percent—of the offenders had criminal records;

The homicide victims ranged in ages from 5 to 90 years old, and 524 of the homicides took place inside of a house, apartment, garage, tavern or other premises.

#### END IN SIGHT?

The National Center for Health Statistics, an arm of the U.S. Department of Health, Education and Welfare, predicted that the record-setting murder rate in the United States is not likely to decline until the 1980s, when most of those born in the 1950s will have reached 30 years of age or more, it said.

Another study conducted by a three-man team from MIT, indicated that two to four percent of the babies born this year in major U.S. cities are destined to die violently at some point in their lives as murder victims.

Explained an MIT researcher: "An American city boy born in 1974 is more likely to be murdered at some point in his life than a U.S. soldier was to be killed in combat during World War II."

"With the reduction of auto fatalities because of lower speed limits and new safety devices, it's plausible that murder will soon surpass auto accidents as a cause of death in America." (Autos account for between 45,000 and 55,000 deaths in America each year.)

#### GUNS AND YOUTHS DON'T MIX

##### MURDERS COMMITTED BY USE OF FIREARMS, ARRESTED OFFENDERS LESS THAN 21 YEARS OF AGE

	1967	1968	1969	1970	1971	1972	1973	1974
Total number of homicides.....	552	647	715	810	824	711	864	970
Homicides committed by use of firearms.....	311	375	438	527	532	489	615	669
Youths under 21 using firearms to commit homicide.....	95	115	211	271	244	198	197	204
Number of homicides of youths under 21 by firearms.....	70	100	125	153	107	102	115	125

Note: Comparison, youths under 21 using firearms to commit homicide—21 percent increase 1968 versus 1967; 122 percent increase 1969 versus 1967; 185 percent increase 1970 versus 1967; 157 percent increase 1971 versus 1967; 108 percent increase 1972 versus 1967; 107 percent increase 1973 versus 1967; 115 percent increase 1974 versus 1967. 115 percent increase homicides by use of firearms, all ages 1974 versus 1967 contrasted to an 76 percent increase in homicides by all methods 1974 versus 1967.

##### BREAKDOWN BY AGE GROUP OF YOUTHS INVOLVED IN THE COMMISSION OF HOMICIDE BY USE OF FIREARMS

Ages	1967	1968	1969	1970	1971	1972	1973	1974
Under 10.....	1	0	1	0	0	3	1	1
Under 11.....	0	0	0	0	0	1	0	0
Under 12.....	2	1	0	1	0	1	0	0
Under 13.....	3	3	2	1	3	2	3	5
Under 14.....	6	3	7	8	7	6	5	11
Under 15.....	8	11	20	35	23	23	20	16
Under 16.....	12	13	19	48	51	33	36	27
Under 17.....	22	29	37	50	56	30	40	30
Under 18.....	15	21	42	55	28	42	41	40
Under 19.....	16	22	41	34	40	28	27	41
Under 20.....	10	12	42	39	36	29	24	33
Total.....	95	115	211	271	244	198	197	204

Note: 115 percent increase in the number of youths less than 21 yr of age involved in the commission of homicides by the use of firearms 1974 versus 1967.

## SOME LETHAL FACTS

One person was shot to death every minute last year with a handgun . . . somewhere in the U.S.

There are an estimated 200,000 gun crimes a year (not all result in death).

65 percent of murders in 1972 involved guns, as did 80,000 aggravated assaults; and there were 120,000 robberies at gunpoint.

Americans die at a rate of 3,000 each year from gun accidents; another 20,000 acquire gunshot wounds—more often from friends, acquaintances, relatives and loved ones than by strangers.

At the rate of even 40 million handguns in circulation, that's an average of two for every five families.

Only 20 percent of the killings done in the U.S. are done by criminals.

Approximately half of suicides in this country are caused by guns.

There are an estimated 80 to 200 million privately-owned guns in the country, and the growth rate is estimated at 3 million a year . . . (an estimated 2 million handguns are manufactured in the U.S. annually, both as a lucrative sideline or full-time occupation).

Fatal accidental firearm fatalities are children between 1 and 19 years of age.

The person most likely to be involved in a shooting is a friend, neighbor or loved one.

In 1963 the homicide rate was 2.7 per 100,000; by 1972, this number was 5.5 per 100,000.

Between 1962 and 1971, 722 police officers were killed, all but 32 by guns.

The U.S. homicide rate in 1968 was topped only by Brazil among all the countries in the world, (it had 11.8 per 100,000).

In England, in 1971, there were only 29 gun homicides, compared to 965 in New York City.

In Japan, there was only one handgun homicide in 1971, among 11 million people.

American (USA) factories produce 5 billion rounds of ammunition each year for civilian use.

Almost 70 percent of the guns that are turned up by New York City policemen are high quality guns .32-caliber firearms, manufactured in the U.S. by such well-known firearms manufacturers as Colt, Remington and Smith & Wesson; only 20 to 30 percent of those picked up in N.Y. last year were "Saturday night specials", a gun that is of no value to a sportsman and frequently is of undependable quality to the free-lance or professional gun-users.

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[From the Chicago Defender, Apr. 14, 1975]

### JUDGES IN GUN COURT JUST "DOING THEIR JOB"

(By Joy Darrow)

William Kunkle, chief of the state's attorney's municipal division which handles Chicago's gun court overload, doesn't question the wisdom or the operation of Chicago's fast-draw gun court.

"The judges there are doing a job, but they just need more time," he said.

His statistics bear him out.

In 1973, there were some 30,000 cases in the dual courtrooms handling cases of persons charged with carrying illegal guns or those involved in misdemeanors regarding weapons—registered or not.

Between January and June 15th of 1974, Courtroom 26 (which handles both gun and gambling violations) and Courtroom 27 carried 13,600 cases to conclusion. In December 1974, both courts—and their two judges—had over 11,000 cases on call.

In January 1975 there were 10,200 cases on call and in February that increased to 19,700. That figures, however, does not represent all the cases handled in one month's time, but it does represent the number of cases both pending and handled.

One of the most thriving courtrooms in the country, the two courtrooms are really only one big one with a large closet, which at best can handle little more than a dozen people at the same time.

Over the hustle and bustle of courtrooms where judges handle an estimated 80 cases each a day (less than six minutes each), there can be heard the flushing of toilets and the unhappy wails of the citizens who stand up—or are forced into fighting—for their right to hear arms.

They have been accused of illegally having a gun in their possession, which usually means that they were caught carrying a handgun or stashing one in their car. Those persons charged with the use of a gun in criminal actions are assigned to Criminal Court.

Kunkle feels that the two judges in Gun Court—Judge Matthew Moran and Judge David Shields—“temper justice with the recognition that some people, living in places where they do in an urban area, feel it is necessary to own a gun.”

Justice in an over-worked and over-crowded two-room court, though, needs more than some “tempering.” And new courtrooms, that will replace the one-and-a-half rooms on the 11th floor of Chicago Police headquarters, are expected to be made available pretty soon elsewhere according to Kunkle.

Kunkle replaced recently James Kavanaugh as head of the division, and it was Kavanaugh who said, shortly before he left, that “the volume of cases is just awesome. It’s difficult with that volume for anybody—I don’t care if he’s the sage of the ages—to give the kind of treatment those cases deserve.”

He added, backing up that original summation of the situation: “The judges are tied up. The prosecutors are tied up. The public defenders are tied up. It’s an arithmetic problem.”

Kunkle assesses the situation with his own arithmetic.

“The American Bar Assn. (ABA) has recommended that there should be only 50 to 60 cases on a judge’s calendar at any time as far as felony cases go. In our (felony) courts that average is 175 to 250 at a time. As a practical matter, that’s impossible.”

It’s even more impossible in the Gun Court, where between 20,000 and 25,000 persons appeared in a 12-month period ending November 1974 and where only 260—or about 8 percent—were sent to jail. There have to be a lot of very “practical” arrangements built in to the day-by-day proceedings. Another 1,215 were fined out of that some 20,000 to 25,000, and the average per fine was \$47.05 each and the total was \$57,167, according to media estimates, (New York in 1972 sent about 7 percent to jail.)

#### MIRACLES DO HAPPEN

In a Chicago Crime Commission study, completed before the arrival of the two current judges in Gun Court, it was noted that about 60 percent of the cases were dropped at the request of the state, which usually resulted from a stop-and-search routine enacted by the police which was then ruled illegal in court.

But, besides the careicss search-and-seizures, there were all the customary court problems of delay tactics by private attorneys, reluctant or suddenly disappearing witnesses, “sick” defendants who send mothers or other sympathetic stand-ins to court for postponement purposes, and so forth.

#### HARD-NOSE TACTICS

Some recent observations of the Gun Court in action show that this type of stalling faces some hard-nose tactics by the two residing judges. What appear to be needless continuances undergo careful scrutiny, and in many instances bonds are forfeited and warrants are issued for the arrest of the reluctant defendants. And, according to a recent statement of Judge Shields, the Gun Court “is trying to establish a pattern of jail sentences. Maybe just a minimal one . . . just to be consistent with what seems to be an increasing public outcry.”

Mayor Daley, on the other hand, has sought a city council ordinance that would make jail terms mandatory for first-time gun offenders whom state law prohibits from owning a gun. (These include the mentally retarded, persons who were patients in a mental hospital within the past five years, narcotics addicts and persons convicted of a felony within the past five years.)

The city’s ordinance now provides for mandatory jail terms only on a third gun conviction.

While Mayor Daley’s proposal at first reading sounds threatening, it only applies to about .001 percent of the cases that crowd the Gun Court calendar, according to Kunkle. And such an ordinance doesn’t begin to deal with the youth problem because gun-toting persons under 17—and this is a considerable and increasing number—are dealt with in juvenile court.

“So, somebody buys a gun . . . ostensibly to defend himself. But in the back of his mind is this repressed homicidal-suicidal thing. The gun is a substitute for the tools he feels he lacks.”—Dr. Arnold A. Tobin, Institute for Psychoanalysis.

## SAGA OF HARRY O: OR, THE COST OF FAMILY PET—GUNS

(By Joy Darrow)

Harry O. Jones—we'll just call him that so his identity and family life keep their privacy—had a fight with his wife on Jan. 14, 1975, beginning at approximately 7:45 p.m.

The opening argument has long since been forgotten but everything else that happened that night has been unforgettable preserved in Harry's—and doubtlessly his wife's—memory.

It had been quite a "get-it-all-out." In light of the developing details since then, it can safely be considered that Harry—and perhaps his wife—had considered slaughtering each other.

Harry, however, had a surefire means to do it.

His prize possession was a brand new, extravagantly expensive, Colt revolver. It had all the glistening showpieces and fast-action luxury extras, sort of a Rolls Royce—well, at least a Cadillac—of handguns.

He loved it, and obviously thought about it a great deal. So, when he left the house that cold, January day, he took his buddy with him. In his mind, Harry recalls, he did it to protect both people from any fatalistic happenings. And he went to soak his sorrows at the neighborhood bar.

Wife, however, chose to get rid of some of her excess steam and sorrows another way. She called the police, told them where her husband was, what he had concealed on him, and rather explicitly highlighted what she thought he might do to her with his prized possession.

The police—quite promptly, went to the tavern, because it wasn't Saturday night, searched and found the gun on Harry, confiscated his favorite thing and made an appointment in the Cook County gun court for him.

Although Harry had a license for it, he had carried the weapon on him, a no-no except for law enforcement officials. (But only while on duty.) Harry was an auto mechanic and he was definitely off duty from everything at the time.

So, with more confidence than he should have had, as it turns out, Harry turned up on the required day three weeks ago in Gun Court, or the "Washroom Court" as it's not really fondly referred to—because the flushing of nearby toilets is part of the daily sound-track of the over-worked and cramped one and a half room courtrooms in the central police headquarters.

He didn't bring a lawyer, either. Why should he, he reasoned. A simple case: nobody was hurt and everything was registered, legal-like. He took off a day from work. His case took 7½ minutes; that was as much time as most and more than many.

And he lost the case. Not only was he fined \$90, but he did not get back his gun. Total costs: \$180—gun; \$90—court fine; \$24—day's wages; total: \$194.

There's more: \$230—lawyer's fee representing Harry in his upcoming divorce: \$150—legal fees agreed to be paid to wife who had suffered sufficient mental cruelty from the whole incident to seek a divorce on a split-lawyer's fee basis; \$1,600—in home furnishings, shared shaving equipment and favorite records that were willed by the lawyers to his wife on the occasion of the demise of their marriage; \$80—for drinks at the neighborhood tavern in order to ease the grief of the impending divorce, drinks that would be above and beyond the usual desire or capacity; \$2,060 total.

So the end-run bill of that one day's excursion is—\$2,254. (There are no children and his wife—rather, exwife to be—works, so the costs might end there.)

But Harry has no gun. Or wife. Or house.

Mrs. SEAL. Also the Coalition believes the solution of the war against crime lies in total citizen involvement. We continue to organize and expand and work toward increasing citizen participation.

Our membership, as far as card-carrying members goes, can be accurately counted because of the coupon that was run in the Defender which gave us a feedback from 1,700 people, mostly from the inner city who did say, "I want to join the War on Crime."

Aside from that, ours has been a grassroots organization that has met on the south, west, north, and Loop areas of Chicago with numbers of people ranging in groups from 50 to 300 who have individually expressed their desire to reduce crime.

Thank you.

Mr. CONYERS. Thank you for a very thoughtful statement.

I would like to recognize Mrs. Ethel Payne if she would like to make an additional comment; or would you want to reserve your time for the questioning?

Mrs. PAYNE. I will reserve it for the questioning.

Mr. CONYERS. All right, let me move now to James Compton and James Russell.

Gentlemen, we need not dwell overly long on the work of the NAACP or the National Urban League. We know what those organizations have done for years and as staff people and the executive director, I know your work in Chicago must seem like it is never ending.

Mr. RUSSELL. It is.

Mr. CONYERS. It is never ending?

Mr. RUSSELL. That is right.

Mr. CONYERS. But welcome, and if you could make your statements as succinctly as possible, since your written testimony is now a part of the record, Mr. McClory and I would be able to engage you in some discussion.

I have got one question that I feel is very important that we exchange some views on before we leave here today. Please proceed.

#### TESTIMONY OF JAMES W. COMPTON, EXECUTIVE DIRECTOR, CHICAGO URBAN LEAGUE

Mr. COMPTON. Mr. Chairman and members of the committee, I will not dwell on the work of the Urban League. You have recognized already the long history to date of the organization.

Very simply I would like to begin by saying that the Urban League has long recognized the great need to develop and enforce effective handgun legislation.

The current atmosphere of urban violence which permeates our community today dictates that the drive for specific Federal legislation take on new dimensions in the months ahead. It is simply not enough to cite statistics and express concern about the rising violent crime rate.

Action must be taken which is reasonably calculated to reduce the incidence of major crimes and senseless violence.

The handgun issue—specifically the senseless human loss of life—is today a primary concern in minority communities. It is the posture of the minority community at large and the Chicago Urban League that no amount of socioeconomic theorizing can excuse the unnecessary destruction of human life.

In many communities, black-on-black crime has reached epidemic proportions, far in excess of the national average, and based upon this fact, with the law incorporating a formula similar to that that was recently proposed by U.S. Attorney General Levi, had it been in effect in 1972, we would have seen some type of Federal intervention in most of the metropolitan areas of this country, including Chicago.

Now this by no means says that we are in support of the Levi proposal. I am just citing the fact that back in 1962, in the metropolitan areas, there would have been some type of Federal intervention based upon his formula.

Not only are black men and women afraid to walk the streets, but they are also afraid to venture out to attend those meetings which are designed to eradicate the causes of their legitimate fears.

Gangsterism and terrorism, be it organized or spontaneous, have put residents of certain areas on 24-hour notice that they run the risk of becoming a victim of handguns.

As a result, more and more black citizens have become victims of crime and various forms of criminal activity.

On April 12, 1975, the Chicago Defender published an indepth study of inner-city homicide in the Chicagoland area entitled, "Black kills blacks in record numbers."

Now that has already been mentioned so I will not take the time to cite that except to agree with the previous witness that it does make a very emphatic and clearcut case for the abolishment of the handgun.

The board of directors as well as the business advisory council of the Chicago Urban League recognized the need to eliminate the ready accessibility of handguns and thereby cut down and possibly eliminate the role of guns in violence and other criminal activity.

We also realize that legislation banning the purchase and use of handguns needs to be uniform for optimal effectiveness.

We, therefore, respectfully call upon the leadership of the 94th Congress of the United States, and particularly the Illinois congressional delegation, to introduce and pass legislation prohibiting the manufacture, sale, possession, and distribution of handguns, handgun ammunition, and their components.

Of course, our recommendation does exclude the military and designated law enforcement personnel from being covered by such legislation.

Based upon this kind of legislation, we believe we will begin to lay the necessary groundwork for establishing and insuring an environment where every citizen, regardless of race, creed, color, sex, or socioeconomic status is guaranteed the safety of his or her person, home, and neighborhood and an environment which is conducive to optimum human development. I think it should also be understood that the absolute prohibition of handguns is but one step toward establishing such an environment.

Thank you very much.

Mr. CONYERS. Thank you for a very straightforward statement, Mr. Compton.

[The prepared statement of Mr. Compton follows:]

STATEMENT BY JAMES W. COMPTON, EXECUTIVE DIRECTOR, THE CHICAGO URBAN LEAGUE

Distinguished Members of the House Committee on the Judiciary: Thank you for extending to the Chicago Urban League the opportunity to testify on the use and control of handguns in the city of Chicago—particularly as it affects the black and minority communities.

#### TESTIMONY ON THE USE AND CONTROL OF HANDGUNS

The Chicago Urban League is an inter-racial, non-profit, human relations organization which has provided 59 years of specialized leadership and experience in helping to make metropolitan Chicago a better place for all through the improvement of race relations. While the League's efforts are focused on the ad-

vancement of the welfare of blacks and other minorities and the elimination of the difference in life chances between the poor and affluent individuals in our society, the best interests of the total Chicago community are always of major concern. It is within this framework that this testimony is offered.

While the Chicago Urban League has long recognized the great need to develop and enforce effective handgun legislation, the current atmosphere of urban violence, which permeates our communities today, dictates that the drive for specific federal legislation take on new dimensions in the months ahead. It is simply not enough to cite statistics and express concern about the rising violent crime rate. Action must be taken which is reasonably calculated to reduce the incidence of major crimes and senseless violence. The handgun issue—specifically the senseless human loss of life—is today a primary concern in minority communities. It is the posture of the minority community at large and the Chicago Urban League that no amount of socio-economic theorizing can excuse the unnecessary destruction of human life.

In many communities, black on black crime has reached epidemic proportions. A major contributing factor, among other things, is the increased shootings and killings resulting from the free wielding use of cheap and easily accessible handguns. Based upon a possible formula constructed by Attorney General Edward H. Levi, a measure for determining whether or not an urban area has reached a high level of violent crime is "in each area where violent crime rose 20 per cent above the national average or if it rose 10 per cent in areas where it already was 5 per cent above the national average. If this had been the law in 1972 . . . the federal handgun ban would have been triggered in 62 metropolitan areas including Chicago, New York City, Washington, Baltimore, San Francisco and Los Angeles." Nevertheless, says Attorney General Levi, "existing federal regulations and controls enacted in scattered states have not removed the fear caused by the estimated 40 million handguns now in the United States—a number growing by 2.5 million a year."

Not only are black men and women afraid to walk the streets, but they are also afraid to venture out to attend those meetings which are designed to eradicate the causes of their legitimate fears. Gangsterism and terrorism, be it organized or spontaneous, have put residents of certain areas on 24 hour notice that they run the risk of becoming a victim. As a result, more and more black citizens have become victims of crime and various forms of criminal activity. No place is sacred, not even the church.

In a quest to equalize the odds and gain some sense of protection, more and more citizens are purchasing and carrying weapons. They say they would rather be caught with a gun than without one. This, however, increases the possibility that someone will be killed or maimed.

On April 12, 1975, the Chicago Defender published an in-depth study of inner city homicide in the Chicagoland area entitled, "Blacks Kill Blacks In Record Numbers". According to the report, carrying a weapon is not the solution for crime and criminal activity. In fact, the owner of a gun is more likely to use his weapon against a member of his family or some other person with whom he is familiar than he is against a rapist or robber; or possibly a member of his family or a friend may gain access to the weapon and use it against the owner. For instance, the report indicates that of the 970 homicides committed last year, 524 were committed inside a building. A more startling statistic is the fact that in 607 of the reported homicides, the victims knew or were related to their killers. The report indicates that of the 970 murders committed in Chicago in 1974, 669 killers chose a gun to settle the matter. Of the 506 murders of black men and women whose alleged offenders have already been recorded in police statistics (168 have not), all but seven murders were committed by blacks. For additional amplification, I would submit for your consideration the Chicago Police Department's 1974 homicide report entitled, "Murder Analysis".

We realize that gun control is not a panacea for urban crime. We also understand the need for all citizens to feel safe and secure in their homes and when walking the streets. We therefore, call upon the local and federal law enforcers, starting with the Chicago Police Department and ending with the Justice Department, to take the necessary action so that all the citizens in the greater Chicagoland community, will feel safe, and have reason to believe, that the law enforcement officers will serve and protect them and their property. Then it is possible that people will not feel the need to have a gun because they are afraid of crime, and hopefully, citizens will begin to let the police and

courts settle disputes and arguments rather than feeling that they have to enforce the law, or what they perceive to be fair, by protecting their lives and property.

The Board of Directors as well as the Business Advisory Council of the Chicago Urban League recognizes the need to eliminate the ready accessibility of handguns and thereby cut down and possibly eliminate the role of guns in violence and other criminal activity. We also realize that legislation banning the purchase and use of handguns needs to be uniform for optimal effectiveness. We, therefore, respectfully call upon the leadership of the 94th Congress of the United States, and particularly, the Illinois Congressional Delegation, to introduce and pass legislation prohibiting the manufacture, sale, possession and distribution of handguns, handgun, ammunition and their components—with the exception of the military and law enforcement personnel. Based upon this kind of legislation, we will begin to lay the necessary groundwork for establishing and insuring an environment, where every citizen—regardless of race, creed, color or socioeconomic status—is guaranteed the safety of his person, home and neighborhood . . . and environment which is conducive to optimal human development. Let it be understood that the absolute prohibition of handguns is but one step toward establishing such an environment.

Mr. CONYERS. We call now on the member of the legal staff of the NAACP who is here, Mr. James Russell.

### **TESTIMONY OF JAMES RUSSELL, LEGAL STAFF, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE**

Mr. RUSSELL. Mr. Chairman, since we are a little pressed for time, there are several points that I want to stress.

We do have our prepared statement and I would like to state that the official position of the NAACP is that we support any type of gun control laws that will make it harder for people to get handguns.

There are several figures that I would like to cover that perhaps have been covered but I would like to stress them.

Last year, in 1974, out of 974 people that were murdered, it should be noted that 682 were black.

I think this is very important when you are considering any type of handgun control laws; I think it is important that you take that into consideration.

It also should be noted that the majority of the people that were victims knew the offender or was a friend.

I just want to point out several other important factors from several charts that I have, because the factors about the handguns as causative factor of murders is important, and as you will notice, about 60 percent occurred in fights between the offender and the victim.

Now looking at the felonies and robberies, et cetera, only a little over 20 percent involved the use of a handgun in related matters were very, very low but indicate the careless use of our weapons.

The point that has been stressed before, as you will note, is very low and it is "others, undetermined" which is approaching 20 percent and the gangland type of killing specifically was very low and the last column, "others" is also low.

I think it is very important to notice the ages of the victims and the offenders.



If you will notice in the 16-year to 20-year age group, you will notice that the majority of the offenders are very, very young and perhaps they didn't realize what they were doing but as a means of settling a difference between them and the victim, as a means they chose the handgun because it was the most expedient way to do it.

Now the handguns in the hands of our young people, we feel that they don't appreciate what they have or what they can do with it and this should be stopped.

Those are the basic points that I wanted to stress.

Mr. CONYERS. Well I would like to ask you if I could, counsel——

Mr. RUSSELL. Yes, Mr. Chairman.

Mr. CONYERS. If you could reduce those two charts to sheet size so that we can incorporate them in the testimony here.

Mr. RUSSELL. Yes.

Mr. CONYERS. I think that they should be made a part of the record and I thank you for your statement.

[The charts referred to follows:]

MURDERS COMMITTED BY USE OF FIREARMS—ARRESTED OFFENDERS LESS THAN 21 YEARS OF AGE

	1967	1968	1969	1970	1971	1972	1973	1974
Total number of homicides.....	552	647	715	810	824	711	864	970
Homicides committed by use of firearms.....	311	375	438	527	532	489	615	669
Youths under 21 using firearms to commit homicide.....	95	115	211	271	244	198	197	204
Number of homicides of youths under 21 by firearms.....	70	100	125	153	107	102	115	125

Note: Comparison—Youths under 21 using firearms to commit homicide: 21 percent increase 1968 versus 1967, 122 percent increase 1969 versus 1967, 185 percent increase 1970 versus 1967, 157 percent increase 1971 versus 1967, 108 percent increase 1972 versus 1967, 107 percent increase 1973 versus 1967, 115 percent increase 1974 versus 1967, 115 percent increase homicides by use of firearms, all ages 1974 versus 1967 contrasted to a 76 percent increase in homicides by all methods 1974 versus 1967.

BREAKDOWN BY AGE GROUP OF YOUTHS INVOLVED IN THE COMMISSION OF HOMICIDE BY USE OF FIREARMS

Ages	1967	1968	1969	1970	1971	1972	1973	1974
Under:								
10.....	1	0	1	0	0	3	1	1
11.....	0	0	0	0	0	1	0	0
12.....	2	1	0	1	0	1	0	0
13.....	3	3	2	1	3	2	3	5
14.....	6	3	7	8	7	6	5	11
15.....	8	11	20	35	23	23	20	16
16.....	12	13	19	48	51	33	36	27
17.....	22	29	37	50	56	30	40	30
18.....	15	21	42	55	28	42	41	40
19.....	16	22	41	34	40	28	27	41
20.....	10	12	42	39	36	29	24	33
Total.....	95	115	211	271	244	198	197	204

Note: 115 percent increase in the number of youths less than 21 years of age involved in the commission of homicides by the use of firearms 1974 versus 1967.

## CAUSATIVE FACTORS OF MURDERS

	By shooting	By stabbing	By other means	Total
Altercations (542):				
General domestic.....	58	27	6	91
Money.....	38	13	8	59
Liquor.....	12	5	6	23
Sex.....	2	3	3	8
Teengang.....	33	0	0	33
Triangle.....	37	16	4	57
Racial.....	4	0	1	5
Children.....	1	0	0	1
Gambling.....	10	0	0	10
Traffic.....	5	0	1	6
Other.....	170	56	23	249
Robbery (210):				
Strong arm.....	0	0	13	13
Armed.....	156	26	15	197
Burglary (7):	5	1	1	7
Sex (15):				
Perversion.....	0	1	0	1
Assault of woman.....	1	3	10	14
Careless use of weapons (20):	20	0	0	20
Undetermined (152):	111	26	25	162
Gangland type (7):				
Organized (2).....	2	0	0	2
Crim. of victim (5): <sup>1</sup>				
Robbery.....	1	0	0	1
Burglary.....	1	0	0	1
Narcotics.....	2	0	0	2
Counterfeiting.....	0	1	0	1
Other (7): Child abuse.....	0	0	7	7
Total.....	669	178	123	970

<sup>1</sup> Murders in which a criminal is killed by an accomplice during the course of, or subsequent to the commission of a crime

Note: Intoxicants involved (victim and/or offender) (295): 30.41 percent.

## TYPES OF WEAPONS USED

	Number		Number
Guns (669):		Unknown type.....	91
Revolvers.....	366	Pocket type.....	14
Unknown caliber.....	2	Hunting.....	9
22 caliber.....	43	Other type.....	2
32 caliber.....	89	Boning.....	5
38 caliber.....	217	Bowie.....	3
357 caliber.....	12	Other.....	123
45 caliber.....	1	Hammers.....	2
44 caliber.....	2	Gasoline.....	6
Automatics.....	94	Baseball bat.....	3
22 caliber.....	5	Metal pipe.....	2
25 caliber.....	40	Wooden board.....	1
32 caliber.....	21	House brick.....	2
38 caliber.....	4	Strip of cloth.....	1
45 caliber.....	9	Electrical cord.....	1
380 caliber.....	8	Shoe.....	1
9 mm.....	7	Shoe string.....	1
Rifles.....	18	Table leg.....	2
22 caliber.....	12	Bludgeoned, type unknown.....	22
30 caliber.....	4	Phone cord.....	1
30 30 caliber.....	1	Belt.....	2
303 caliber.....	1	Auto.....	2
Shotguns.....	44	Scarf.....	1
Unknown gauge.....	12	Rock.....	1
12 gauge.....	28	Piece of concrete.....	2
20 gauge.....	2	Tire jack.....	1
410 gauge.....	2	Pair of pants.....	1
Unknown type guns.....	143	Natural gas.....	1
Unknown caliber.....	58	Rope.....	5
22 caliber.....	65	Jack handle.....	2
32 caliber.....	12	Wine bottle.....	1
38 caliber.....	7	Ash tray.....	1
25 caliber.....	1	Panty hose.....	1
Derringers.....	4	Hand tie.....	1
22 caliber.....	3	Pool cue.....	1
38 caliber.....	1	Tree limb.....	1
Knives.....	178	Stock of shotgun.....	1
Types:		Lug wrench.....	1
Kitchen type.....	54	Hands or feet (includes strangulation).....	52

*Relationship—Victim/offender***Marital**

Husband/wife (legal)-----	19
Husband/wife (common law)-----	26
Wife/husband (legal)-----	17
Wife/husband (common law)-----	16
Total -----	78

**Blood relationship**

Father/son -----	6
Brother/brother -----	3
Son/father -----	2
Daughter/father -----	3
Daughter/mother -----	2
Granddaughter/grandfather -----	1
Cousin/cousin -----	2
Aunt/nephew -----	1
Uncle/nephew -----	2
Half brother/half -----	1
Total -----	23

**Other legal relationship**

Son-in-law/father-in-law -----	1
Brother-in-law/brother-in-law -----	6
Brother-in-law/sister-in-law -----	1
Total -----	8

**Romantic relationship**

Boy friend/girl friend-----	11
Girl friend/boy friend-----	9
Total -----	20

**Business relationship**

Janitor/tenant -----	2
Tenant/landlady -----	1
Employer/employee -----	1
Coworker -----	1
Total -----	5

**Other**

Friends -----	86
Neighbors -----	22
Some acquaintanceship-----	283
Relationship not established-----	216
No relationship-----	229
Total -----	836

Mr. CONYERS. I have one question, a three-part situation, so I will have to divide that up.

There seems to be two theories in favor of handgun abolition and one theory against it, and I would like to describe these theories and check your reaction.

Then the third part of the question is: Do you think ammunition is, in itself, a dangerous substance and that it ought to be regulated under the appropriate Federal laws?

Now, getting back to the bigger part of the question, the two theories—the saying is that they are the same, and that is that crime and violence in the inner cities, where it is mostly found, stems from a rage that comes from the people that live there. It is not geographical. It isn't something funny about the inner city of Chicago that produces more homicides than the suburbs of Chicago. There is something happening to the people there and out of it comes a rage that is based upon the injustices that the experience in a racist society that has a socioeconomic impact; no jobs, no houses, no heat, no food, no opportunity, bad education—you know the list as well as I do.

The second theory about handgun abolition is, therefore, if we reduce the handguns we would not deal with the socioeconomic considerations although they have to be dealt with separately and they are very important.

The other theory that would advocate the handgun prohibition is that the way things are going now, with 2½ million guns being introduced annually into our society that has 40 million handguns already—and that is a guess because we haven't ever kept track of them properly—we are now being drowned in a sea of armament.

Nobody can handle it now. No police force, no matter how constituted. Unless we turn back this massive flow, we are going to eventually end up with everybody carrying a gun and that seems to be—that brings me to the one theory against the handgun abolition.

That is, that ultimately, if we do follow the theory of those who are not for sane and responsible gun prohibition, we would all end up having to carry a gun because, at the rate this is going, there is no way that the more guns that are in the society, the more people have possession of them, the more they are carrying them on them, the more people that will be getting killed and the more people who didn't want to carry a gun will have to carry a gun.

Now that is the end of my three theories. Would you care to react to those, Mrs. Payne?

Mrs. PAYNE. Yes, I would like to comment on that.

When we first were organized, we came together chiefly on the fact that there was so much hostility and so much polarization within our community that we felt that we had to attack that problem first.

One of the things that we decided that we could not do was continually go on being armed camps warring against each other.

So we had to deal with the truth in order to have an effect on the situation, just as the Middle East crisis which we are trying to overcome now.

And so, to me, guns simply just exacerbate the problem. They don't really relieve the problem and the theory that a person has to have a gun for protection—well protection against whom—society?

If we are all going to go around carrying armaments somebody is going to be hurt in the process unnecessarily.

And so I feel that the only answer is to make a straight law across the board, across the entire spectrum, whereby everyone would be subject to regulation and nobody would be hurt in the process.

Mr. CONYERS. Thank you very much.

Mrs. SEALS. I feel that we should not leave here today without there being something said from a panel like this, with respect to the impact

of the racism, the sexism, the unjust education, the lack of employment, and all the other things, but one of the things we found out in our discussions, in our dialogs across the city with people who are the victims or perpetrators, interchangeably, is that there has been very little difference, I think as was probably pointed out here from the chart.

There is the need to end the easy accessibility and there has to be something done about the easy accessibility of handguns, I will say that.

Now handgun ammunition, the coalition has taken the position that if that is the least that you can get is a ban on handgun ammunition, then we take the position, as the NAACP has said here that we will be for that.

You have got to have something and you have got to start somewhere.

We deal with the people who are the victims: primarily the people who see their children killed and maimed and frightened, the people who see their children afraid to go to school, afraid to be inside of the school, afraid to be inside of a church, or wherever else.

Mr. CONYERS. And those are the kind of people you have here today. We don't have time to call them forward, but you have just described them.

Mrs. PAYNE. One of our members is Mrs. Cowlert, and she is in the audience. Mrs. Mildred Cowlert and her son Anthony, and Anthony is a living witness to what we are all about.

Anthony was shot on December 10 and he lost his right leg as a result of that incident. So we do speak from very personal experience.

Mr. CONYERS. I understand.

Mrs. SEALS. One of the founders of our group, her daughter was killed—a 16-year-old child was killed by another child.

So we have people within our groups who have suffered, who do know what it means to have been the victims of a senseless killing.

However, I think that there has been a general consensus that we want to take a hard look at those conditions that make it fairly impossible for us—some of us to cope and as I say, when it comes to people killing people, we have to stop that.

Mr. RUSSELL. Mr. Chairman, in response to your three-part inquiry I would like to say that if there were stricter handgun control laws, that we would see substantively, and I am going to say this, a very slight decrease in the number of people that are killed each year.

I think, though, the most important thing that this committee should take out of Chicago particularly, you know, considering the large number of black-on-black crimes, is the fact that the handgun is one factor that has to be considered with the many.

You have to look at the environment that these people are living in, and some of the pressures such as racism that they have to cope with, lack of jobs, et cetera. All of the charted facts and figures bear this out because a majority of the crimes are taking place in the black sections of the city.

I think that while there is a tremendous need for more effective handgun control laws, that they should be considered in conjunction with other factors that are present.

Mr. CONYERS. Yes.

Mr. COMPTON. Mr. Chairman, I don't think that I can say anything that is new or different from what has already been said.

Certainly the experience of the Urban League, especially in the jobs area, would certainly dictate and suggest that with unemployment in black and minority communities being at least double that of white unemployment, that there is certainly an economic factor associated with all of this. However, we continually still take the position that such senseless waste of human life as a result of killing and certainly as a result of handguns is not an excuse for the socioeconomic conditions.

We have to address ourselves to those conditions at the same time as we are addressing ourselves to this factor.

In response to part of your inquiry, it would appear to me that the logical conclusion of not abolishing the use of the handgun would be the creation, if it has not already taken place, of the private vigilante groups, be it militia or private police force, if you will, in order to protect one's self or to protect one's family; that if we got these many guns or more in our society now and if every citizen feels that they need a handgun, then it would appear to me that an individual would begin to band together—that is, individuals would—which would create certainly a lawless, or more lawless, society than we already have.

Mr. CONYERS. Very good.

Mrs. PAYNE. I have just one more comment to make. The quotation was made recently that: "History is littered with the bones of governments who failed to listen to their people." I think that that is something that the committee ought to take into consideration.

Mr. CONYERS. We hear you and we are listening.

I would like to yield to my colleague from Illinois, Mr. McClory.

Mr. McCLORY. Well, Mr. Chairman, my constituent, Michael Schrank, is going to be one of the next witnesses, so I better listen to him. We have already run over the time, so I will forgo any questioning.

Thank you very much for your testimony.

Mr. CONYERS. Thank you for the testimony, and I would like you to watch the committee and the Congress after today's testimony, because I know that you have got a lot of work in Chicago and we have in Washington as well.

Thank you very much.

[The prepared statement of Mr. Russell follows:]

STATEMENT OF JAMES RUSSELL, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF  
COLORED PEOPLE

The Chicago Chapter of the NAACP supports any type of gun control laws or the amending of present laws that will help alleviate the present illegal use of handguns.

Any effective law or changes in the present Gun Control Act should address itself towards restricting the illegal flow of handguns into this country, e.g. cheaply made foreign weapons commonly known as Midnight Specials.

Any change in present handgun laws should impose harsher penalties on private owners that don't register their weapons.

The Federal Government should shoulder the major burden of controlling gun regulation since the flow of commerce is almost totally within the purview of

Congress, also harsher. Federal penal laws on the illegal use of handguns would lend uniformity throughout the nation obviating individual state laws that may be too harsh or lenient.

Mr. CONYERS. Our next witnesses are Mr. Ira Latimer, president of the American Federation of Small Business, and Mr. Michael Schrank, a member of the Little Fort Gun Collectors' Association and the owner of Smoke & Gun Shop in Waukegan, Ill.

Mr. McCLORY. Mr. Chairman, may I first of all express a welcome to Mr. Schrank with whom I visited in the past and who I specifically invited to come and take part in this hearing today.

Mr. SCHRANK. Thank you very much.

Mr. CONYERS. We are delighted, gentlemen, to have you before us.

We apologize, as we have to all of the groups that have had to come on since late this morning, about the squeeze on time. We have, in fact, had to exclude others who would have testified here.

We have your printed statements, so we will incorporate them into the record at this time.

[The prepared statements of Mr. Schrank and Mr. Latimer follow:]

PREPARED STATEMENT OF MICHAEL SCHRANK, MEMBER, LITTLE FORT GUN COLLECTORS' ASSOCIATION, AND OWNER, SMOKE & GUN SHOP, WAUKEGAN, ILL.

Gentlemen, I am here today in a dual capacity: I am a sporting goods dealer, and also a gun collector, a member of the Board of Directors of Little Fort Gun Collectors Assn., a non-profit corporation dedicated to gun collecting and the shooting sports. As a firearms dealer I have two retail stores. One in Waukegan Ill., an industrial base town of 65,000 located 40 miles north of Chicago and situated adjacent to North Chicago, Ill., which has a 40,000 population including Great Lakes Naval Training Center. I have been in business in Waukegan for over 10 years.

My second store is in McHenry, Ill., a rural base town of 7700 located 45 miles northeast of Chicago and 25 miles west of Waukegan. The store is 1½ years old. My trading area is 387,000 in Lake County and 112,000 in McHenry County.

I am also a collector of weapons and a hunter and target shooter.

I have observed the commercial aspect of the selling and trading of firearms for over 10 years, and the personal transfers of firearms as a collector for 15 years.

I have operated a business both before and after the 1968 Gun Control Act. Since the enactment of the 1968 G.C.A., these are the rules for selling handguns:

1. Customer must fill out the yellow federal 4473 form which asks these questions: (Please see enclosed form) and warns that a false answer to any of the questions is a violation of federal law.

2. Purchaser must have an Illinois Firearms Owners Identification Card, which is issued only to people who do not fall into any of the following categories: (Please see enclosed form.) These questions must be answered truthfully under penalty of Illinois law.

3. Customer must be 21 years of age.

4. The Waukegan Police Dept. form must be approved by the Chief of Police prior to the firearm being delivered to the purchaser. Refusal on the Waukegan form would be for felony conviction, or for a habitual misdemeanor record.

5. Illinois State Law requires a 72 hour cooling-off period between the sale and delivery of a handgun.

A Federal Firearms dealer, I.E. any dealer, must keep a bound book record of every firearm which enters into his possession for sale, including consignment guns.

Please see enclosed page from record book.

Please see enclosed page from repair book.

These records are permanent and must be kept forever. When the business is terminated or sold the records become the property of the A.T.F.

A dealer must also keep forever the store receipt and the form 4473, which likewise must be turned over to the A.T.F. if the business is sold or terminated. As far as private firearms transactions are concerned 98% of the people observe the laws:

1. Illinois residents need the ID card.
2. No transactions to residents of another state.
3. Seller must keep a record of all guns sold, serial numbers, description, and the name, address, and ID card number of the purchaser.
4. No handgun sales to any one under 21.

Some conclusions:

Having observed Waukegan and Lake County Statistics from "Crime in Illinois—1973" published by the Illinois Dept. of Law Enforcement and also being involved in these areas for the past 10 years, I note that:

Waukegan in 1973, with 32% of the population of Lake County had 70% of the murders occurring within the county. This in spite of the handgun registration procedure outlined above.

I further note, a direct quotation from page 120 of the Crime Report:

"Core cities are included in Standard Metropolitan Statistical Areas (SMSA's) and account for 5,001,410 inhabitants, or 55.5% of the total SMSA population and 44.5% of the state population." "Core cities accounted for 88.3% of the murders and voluntary manslaughters committed within SMSA's and represented 85.0% of the total Murders and Voluntary Manslaughters that occurred in the state in 1973." "The Core cities accounted for 91.6% of the Robberies within SMSA's and 90.0% of the total Robberies that occurred in the state in 1973."

Please see reprint of page 118—120 enclosed.

I therefore conclude that Chicago and other "core cities" are the high crime areas in the state of Illinois, and that their "Gun Control" regulations including not issuing permits to purchase pistols in Chicago, and Gun Registration limited to Chicago are *total and wasteful failures*.

Gun Law Offenses Prosecuted in 1973 were:

Deadly weapons offense, generally—13,480 (3482 White—9054 Black).

Unlawful use of weapons—11,649 (3031 White—8473 Black).

Unlawful sale of firearms—Total!

Unlawful possession of arms or ammo by felon or other unequal citizen—712 Total.

Improper register of firearms sales by dealers—3 Total!

Possession of arms or ammo without F.O.I.D. card—1,087—260 wt—329 bl—490 "other."

Therefore, it cannot be seriously said that "Chicago Gun Registration" or the Chicago Pistol Permit System" have stopped urban dwellers from committing an overwhelming percentage of violent crimes in Illinois.

The obvious conclusion arises that federal, state and local laws against transferring guns into Chicago have been ignored by criminals, as have laws prohibiting transfer of guns to minors. Further the vast trade in illegal drugs suggests that there would be no point in trying to "prohibit the manufacture of pistols" as an anti-crime measure. We could expect pistols to become only a new and profitable black market item, available either through theft, or smuggling from abroad.

A survey of my own records, covering a period of over 10 years, and over 20,000 firearms, reveals:

1. About 50% of households in Lake County have at least one firearm.
2. Half of these households have rifles and shotguns, while half have handguns.
3. Ninety percent of households with 3 firearms or more have a handgun.

How is the sale of handguns broken into use classifications:

	Percent
Collectors .....	40
Target .....	25
Police and related law enforcement .....	20
Home defense .....	15



How many of these handguns are "Saturday Night Specials":

Since the inception of the 1968 Gun Control Act 200 handguns or 4% of sales.

Since the inception of the Illinois Junk Gun Law on March 1, 1974 Zero percent. No guns!!

Why didn't I sell more of the Saturday Night Specials before the sales were forbidden by the Illinois law? The average Lake County citizen didn't want one!

Who are gun collectors? What do they collect? Why? Gun collectors are a cross-section of all economic, racial, and geographical types. They collect any imaginable type of weapon which appeals to themselves, either older obsolete weapons, or hard-to-get contemporary ones.

In 1965 collectors of antique, pre 1898, weapons made up 50% of the hobby: today they comprise less than 20%. More and more people are entering the hobby and the supply of weapons grows less and less. Prices in the last 10 years have risen from 3 to 10 times.

Many are turning to post 1898 weapons now, although the prices are rising sharply on many of these items since, with the advent of the 1968 G.C.A., the importation of domestic and foreign manufactured military rifles and handguns is forbidden.

What laws will best advance the control of crime in our country?

1. Make the use of a firearm in any crime of violence a federal offense.
2. Enact mandatory punishment for any crime of violence in which a firearm is used.
3. Streamline the courts—try, convict, and sentence criminals immediately! Eliminate the granting of appeals on little or no grounds!
4. Show a little more concern for the rights of the 219,000,000 innocent citizens of our country, and a little less for those of the convicted criminal.

What should congress not do?

1. Register weapons! It doesn't work.
2. Ban the manufacture, sale, transfer, or transportation of weapons! Un-enforceable!
3. Confiscate weapons! Unbelievable! Unenforceable! Unconstitutional And I must add Unamerican!

Two hundred years ago American colonists willingly disobeyed unfair English laws. In a country founded upon civil disobedience I do believe that passage of an extremely unpopular firearms law might send a majority of Americans back to their U.S. history books.

# Standard Metropolitan Statistical Areas



SOURCE: U. S. BUREAU OF THE CENSUS

Figure 2

## STANDARD METROPOLITAN STATISTICAL AREAS (SMSA)

Standard Metropolitan Statistical Areas (SMSA's) are defined by the U.S. Bureau of the Census as follows:

A Standard Metropolitan Statistical Area (SMSA) includes a city of more than 50,000 and the country in which the city is located plus other cities which exhibit strong ties with the city. The county sheriff's office is also included for crime reporting purposes.

A core city is within an SMSA and has a population of more than 50,000 or more inhabitants. In certain SMSA's, there are "twin central cities" that have a combined population of 50,000 or more inhabitants and together are considered a core city.

The suburban area consists of cities and towns with 50,000 or less population including the counties which are within the SMSA. The county sheriff's office is included in the suburban area.

The rural area is the unincorporated portion of a county outside of the SMSA's. For Illinois-Uniform Crime Reporting purposes, the rural area is composed of the sheriff's jurisdiction outside of the SMSA's.

The other cities are urban places outside of the SMSA's. For Illinois-Uniform Crime Reporting purposes, these are cities and towns outside the SMSA's, surrounded by rural areas that are not under the jurisdiction of the county sheriff's offices.

Figure 2 is a map of Illinois with the SMSA's outlined with heavy lines. Two of the SMSA's overlap with Iowa and Missouri. Areas outside of the State that are included in an SMSA are deleted from the statistics about to be presented. Menard and Clinton counties have been added to the Springfield and St. Louis SMSA's respectively. However, crime statistics for these two counties are not included in their respective SMSA's for this reporting period (1973) in order to maintain the present trend analysis. In 1974, all statistics reported for previous years will be adjusted for continuity purposes.

## SMSA SUMMARY

All seven crime categories making up the Crime Index increased in 1973 compared to 1972. Table 42 represents summary statistics for 1973 versus 1972 for all SMSA's in Illinois as defined above. The SMSA estimated population was 9,015,914 in 1973, accounting for 80.2 percent of the State population, and 91.7 percent of the State's Crime Index for 1973. Burglary represented the highest percent change with a 22.8 percent increase in 1973 over 1972, followed by Murder and Voluntary Manslaughter indicating a 20.3 percent increase and finally, Motor Vehicle Theft was up 16.5 percent in 1973.

## SMSA CORE CITY SUMMARY

Core Cities are included in SMSA's and account for 5,001,410 inhabitants or 55.5 percent of the total SMSA population and 44.5 percent of the State population. Core Cities also accounted for 69.1 percent of the total SMSA Index Crimes and 63.3 percent of State Index Crimes in 1973. Core Cities accounted for 88.3 percent of the Murders and Voluntary Manslaughters committed within SMSA's and represented 85.0 percent of the total Murders and Voluntary Manslaughters that occurred in the State in 1973. Particularly, noteworthy are the figures on Robbery. The Core cities accounted for 91.6 percent of the Robberies within SMSA's and 90.0 percent of the total Robberies that occurred in the State in 1973. Table 43 provides other informative statistics in contrast with Table 42. An analysis of the suburbs will shed more light on this subject.

## SMSA SUBURBAN SUMMARY

Suburban areas like Core Cities fall within the SMSA. The suburbs are bounded by the SMSA lines by definition and outside the Core Cities. Total Suburban areas accounted for 4,014,504 estimated inhabitants in 1973, and represented 44.5 percent of the SMSA population and 35.7 percent of the total State population. The Crime Index increased 13.9 percent in the suburbs in 1973 with Burglary representing the highest increase followed by Motor Vehicle Theft, Murder and Voluntary Manslaughter and Robbery in that order. Table 44 presents summary comparison statistics for 1973 and 1972.

## RURAL AREA SUMMARY

Rural Areas had a 9.0 percent increase in the Crime Index in 1973 which was attributed by the relatively large increase in Theft and Motor Vehicle Theft as indicated in Table 45. All Crimes Against Persons show a sizeable decrease excepting the small increase in Aggravated Assaults and Batteries. Rural Areas accounted for 10.0 percent of the Illinois inhabitants and 2.7 percent of the total Index Crimes. To keep crime statistics in perspective, the index crimes per 100,000 inhabitants or the Crime Rate was 1,154.7 for Rural Areas in 1973, 2,457.8 for Other Cities (discussed below), 3,402.5 for Suburban Areas and 6,103.9 for Core Cities. Statistics are being collected in 1974 to determine the mobility of offenders by using a residential code for persons arrested. That is, when a person is arrested by a jurisdiction his place of residence is reported along with other arrest data.

STATE OF ILLINOIS DEPARTMENT OF LAW ENFORCEMENT Bureau of Identification Firearm Owner's Identification FEE \$5.00		ILLINOIS DEPARTMENT OF LAW ENFORCEMENT Firearm Owner's Identification	
		EXPIRES NUMBER	
		PRINT LAST NAME FIRST MIDDLE	DATE OF BIRTH
		MO. DAY YR.	
1. Enter F.O.I. Number. (If none, write "None")		RESIDENCE STREET ADDRESS	
2. Enter Social Security Number. (If none, write "None")		CITY OR TOWN COUNTY ZIP CODE	
3. Enter Drivers License Number. (If none, write "None")		SEX HEIGHT WEIGHT COLOR HAIR COLOR EYES	
4. Enter any other name you are or have been known by.		CAUTION: This card does not permit bearer to unlawfully carry or use firearms.	
		WRITTEN SIGNATURE	
<b>ALL APPLICANTS MUST SHOW WRITTEN SIGNATURE</b> →			
All applicants must answer questions 3 through 9 "yes" or "no." Applicants under age 21 must answer questions 10 and 11 "yes" or "no."			
5. Have you been convicted of a felony under the laws of this State or any other jurisdiction within the past 5 years?			
6. Have you been confined to a penitentiary within the past 5 years?			
7. Have you been a patient in a mental institution within the past 5 years?			
8. Are you addicted to narcotics?			
9. Are you mentally retarded?			
<b>Applicants under 21 must answer Questions 10 and 11 and obtain written signature of parent.</b>			
10. Have you been convicted of a misdemeanor other than a traffic violation? (See Note #1 on back)			
11. Have you been adjudged delinquent? (See Note #1 on back)			
I hereby give my consent for this applicant to possess firearms and firearm ammunition in accordance with the law and state I am not a person prohibited from holding a Firearm Owners Identification Card.			

SIGNATURE OF PARENT OR GUARDIAN (SEE NOTE #2 ON BACK)	RELATIONSHIP
I hereby solemnly swear (sincerely affirm) that the information contained in this application is true to the best of my knowledge.	
<b>ALL APPLICANTS MUST SHOW WRITTEN SIGNATURE</b> →	
WRITTEN SIGNATURE	
Subscribed and sworn before me this _____ day of _____, 19____	
NOTARY PUBLIC	
NOTARY'S ADDRESS	

(SEAL)

Type of Weapon	Caliber	Serial Numbers & Letters	
Semi Auto	Hammerless	Bolt Action	Mag. Cap.
Full Auto	Safe Hammer	Pump Action	Bar. Length in.
Single Barrel	Non-Safe Hammer	Break-Open	Finish
Double Barrel	Single Shot	Single Action	
Make		Reason for Purchasing Weapon	Value \$
Seller		Date of Sale	
Address		Time of Sale	
Buyer (Full Name)		Buyer's Birth Date	
Complete Address			
Height	Weight	Color Eyes	Color Hair
Pt.	In.	Lbs.	Complexion
Approved:			
Signature of Buyer P. D. Waukegan		Chief of Police	

DEPARTMENT OF THE TREASURY BUREAU OF ALCOHOL, TOBACCO AND FIREARMS <b>FIREARMS TRANSACTION RECORD</b> PART I - INTRA-STATE OVER-THE-COUNTER			TRANSFEROR'S TRANS- ACTION NO.	
NOTE: Please read and carefully follow instructions on reverse. Prepare an original only.				
<b>SECTION A - TO BE COMPLETED BY TRANSFEREE OR BUYER</b>				
1. TRANSFEREE (Buyer's) NAME (Last, First, Middle) (Mr., Mrs., Miss)		2. HEIGHT	3. WEIGHT	4. RACE
5. RESIDENCE ADDRESS (No., Street, City, State, Zip Code)		6. DATE OF BIRTH		7. PLACE OF BIRTH
8. CERTIFICATION OF TRANSFEREE (Buyer) - An untruthful answer may subject you to criminal prosecution. Each question must be answered with a "yes" or a "no" inserted in the box at the right of the question:				
a. Are you under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year?		d. Are you an unlawful user of, or addicted to, marijuana, or a depressant, stimulant, or narcotic drug?		
b. Have you been convicted in any court of a crime punishable by imprisonment for a term exceeding one year? (Note: The actual sentence given by the judge does not matter - a yes answer is necessary if the judge could have given a sentence of more than one year.)		e. Have you ever been adjudicated mentally defective or have you ever been committed to a mental institution?		
		f. Have you been discharged from the Armed Forces under dishonorable conditions?		
		g. Are you an alien illegally in the United States?		
c. Are you a fugitive from justice?		h. Are you a person who, having been a citizen of the United States, has renounced his citizenship?		
I hereby certify that the answers to the above are true and correct. I understand that a person who answers any of the above questions in the affirmative is prohibited by Federal law from purchasing and/or possessing a firearm. I also understand that the making of any false oral or written statement or the exhibiting of any false or misrepresented identification with respect to this transaction is a crime punishable as a felony.				
TRANSFEREE'S (Buyer's) SIGNATURE			DATE	
<b>SECTION B - TO BE COMPLETED BY TRANSFEROR OR SELLER</b>				
THE PERSON DESCRIBED IN SECTION A: <input type="checkbox"/> IS KNOWN TO ME <input type="checkbox"/> HAS IDENTIFIED HIMSELF TO ME IN THE FOLLOWING MANNER				
9. TYPE OF IDENTIFICATION (Driver's License, etc.)		10. NUMBER ON IDENTIFICATION		
On the basis of: (1) the statements in Section A, (2) the verification of identity noted in Section B, and (3) the information in the current list of Published Ordinances, it is my belief that it is not unlawful for me to sell, deliver or otherwise dispose of the firearm described below to the person identified in Section A.				
11. TYPE (Pistol, Rifle, etc.)	12. MODEL	13. CALIBER OR GAUGE	14. SERIAL NO.	
15. MANUFACTURER (and importer, if any)				
16. TRADE/CORPORATE NAME AND ADDRESS OF TRANSFEROR (Seller) (Hand stamp may be used)			17. FEDERAL FIREARMS LICENSE NO.	
18. TRANSFEROR'S (Seller's) SIGNATURE		19. TRANSFEROR'S TITLE		20. TRANSACTION DATE

ATF FORM 4473, PT. I (6-74)

EDITION OF 6/73 WILL BE USED

## INSTRUCTIONS

1. Only ONE ATF Form 4473, Part I, is required for each intra-State over-the-counter transaction. The form is retained by the seller and filed as indicated in Instruction 8.
2. All signatures required on this form must be in ink. All other entries on the form must be in ink or be typewritten.
3. The buyer (transferee) of a firearm will, in every instance, personally complete Section A of the form and certify (sign) that the answers are true and correct. If, because of inability of the buyer to read or write, the answers are written by another person, this person and another person will sign as witnesses to the buyer's answers and/or signature.
4. When the transferee (buyer) of a firearm is a corporation, company, association, partnership or other such business entity, an officer authorized to act on behalf of the business will sign the certification in Section A of the form and attach a written statement, executed under the penalty of perjury, stating:
  - (a) that the firearm is being acquired for the use of and will be the property of that business entity, and
  - (b) the name and address of that business entity.
5. The transferor (seller) of a firearm will, in every instance, complete Section B of the form.
6. If more than one firearm is involved, the identification required by Section B, Items 11 through 15, must be provided for each firearm. The identification of the firearms transferred in a transaction which covers more than one weapon may be on a separate sheet of paper, which must be attached to the form covering the transaction.
7. The transferor (seller) of the firearm is responsible for determining the lawfulness of the transaction and for keeping proper records of the transaction. Consequently, the transferor should be familiar with the provisions of the Gun Control Act of 1968 (U.S.C., Title 18, Chapter 43) and Title VII, Unlawful Possession or Receipt of Firearms, (82 Stat. 197), and Part 178, Commerce in Firearms and Certain Ammunition, Title 26, Code of Federal Regulations.
8. Upon completion of the firearm transaction, the transferor (seller) must make a part of his permanent firearms records the form recording that transaction and any supporting documents, Form 4473, Part I, and any supporting documents must be filed either chronologically by date of transaction, alphabetically in name of transferee (buyer) or numerically by transaction number if the transferor assigns transaction numbers to the forms.

## NOTICE:

Under 18 U.S.C. Chapter 44 and Title VII of Public Law 90-351, 18 U.S.C. Appendix 1201-1203, as amended, firearms may not be sold to or received by certain persons. The information and certification on this form are designed so that a person licensed under Chapter 44 may determine if he may lawfully sell or otherwise dispose of a firearm to the person identified in Section A and to alert the transferee (buyer) of certain restrictions on the receipt and possession of firearms.

THIS FORM SHOULD NOT BE USED FOR SALES OR TRANSFERS WHERE NEITHER PERSON IS LICENSED UNDER CHAPTER 44 OF TITLE 18 U.S.C.

## DEFINITIONS

1. *Intra-State Over-the-Counter Transaction* - The sale or other disposition of a firearm by the transferor (seller) to a transferee (buyer), who is a resident of the State in which the transferor's business is located, occurring on the transferor's business premises.
2. *Published Ordinances* - The publication containing those State laws and local ordinances relevant to the enforcement of Chapter 44 of Title 18, U.S.C., which is annually published in the Federal Register and distributed to each Federal firearms licensee by the Director, Bureau of Alcohol, Tobacco and Firearms.

## STATEMENT OF IRA LATIMER, PRESIDENT, AMERICAN FEDERATION OF SMALL BUSINESS

Mr. Chairman, members of the subcommittee. As representative of Small Businessmen, Farmers, Ranchers, and other middle class electors and taxpayers, the American Federation of Small Business, petitions the Congress of the United States of America on behalf of the majority of the People, to defeat the proposed infringements of the "right of the People to keep and bear arms."

The ban-the-gun proponents assert that there is no Second Amendment "right of the people to keep and bear arms." "The ACLU policy holds that handgun control is Constitutional, in that the 'right to bear arms' is clearly tied to a 'well regulated militia.'"

Prof. Norval R. Morris, a 1964 immigrant from Australia since 1965 head of the million-dollar Ford financed U. of C. Center for Studies of Criminal Justice, on Jan. 18, 1967 before the Illinois Academy of Criminology, the "Archivist's Report" says: "Prof. Morris commented that he would categorically deny the private citizen the right to bear arms." Prof. Morris testified before the National Commission on the Causes and Prevention of Violence: "I am one who believes that as a first step the United States should move just as expeditiously as your leadership can achieve to disarm the civilian population, other than police and security officers, of all handguns, pistols, and revolvers . . . No one should have a right to anonymous ownership or use of a gun. And that just is not a right that we can safely allow anyone . . . I think the truth of the matter is that we will ultimately have a police force not equipped with guns."

Professor Morris published in 1968 "The Honest Politician's Guide to Crime Control." He writes: "We seek a disarmed populace. We are confident this offends no constitutional sanctity; we do not oppose a militia whose right to bear arms is guaranteed by the Constitution. Disarmament of the rest of us, unless we can show good cause to have a gun, must rest on positive or inclusive licensing" (p. 65).

A "Staff Report To The 1969 National Commission on the Causes and Prevention of Violence" entitled "Firearms and Violence in American Life" was authored by U. of C. Professor Franklin Zimring. This Government Report concludes: "The second amendment raises no legal barrier to federal or state firearms legislation."

The 1973 Report "A National Strategy to Reduce Crime" published by the "National Advisory Commission on Criminal Justice Standards and Goals" argues: "To maintain an orderly society, a government must regulate certain of its citizens' acts. Rights and freedoms cannot exist without recognition that one person's rights exist only to the degree they do not infringe on those of another. Such a balance must be maintained in the possession of handguns. The Commission believes that private use and possession of handguns infringes on the right of the American public to be free from violence and death caused by the use of handguns."

"Public welfare does not permit the civilian possession of machineguns, flame throwers, hand grenades, bombs, or sawed-off shotguns; neither can it tolerate the private possession of handguns. Removing the handgun from American society will not eliminate crime and violence, but documentation shows there is a strong correlation between the number of privately owned handguns and the corresponding use of guns in crimes of violence . . . The Commission is aware that many persons keep firearms in their homes because they fear for the lives and safety of themselves and their families."

"The Commission hopes that its position on handguns will be well received and widely supported by the American people. It recognizes, however, that there may be some initial opposition from citizens who have strong convictions in favor of private possession of all kinds of firearms, including handguns. The Commission respects the opinions of these persons and urges a full airing of all views, and open and thorough debate on the handgun issue in public forums, the press, and other appropriate places at the State and local levels."

## BEARING ARMS

### SECOND AMENDMENT

A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.

The protection afforded by this Amendment prevents infringement by Congress of the right to bear arms, but it does not similarly extend to state action<sup>1</sup> nor to private conduct.<sup>2</sup> To what extent this protection runs, that is, what the nature of the right is, remains after all these years a matter marked by uncertain lines. There is some little evidence in the scanty congressional debates to indicate that the Farmers were solely concerned with maintaining, or allowing the States to maintain, a militia force sufficient to prevent the establishment of a standing army.<sup>3</sup> The Supreme Court has given effect to the dependent clause of the Amendment in *The Constitution of the United States of America, Analysis and Interpretation—Annotations of Cases decided by the Supreme Court of the United States to June 29, 1972*: Prepared by the Congressional Research Services, Library of Congress: in the only case in which it has tested a congressional enactment against the constitutional prohibition.

In *United States v. Miller*,<sup>4</sup> it sustained a statute requiring registration under the National Firearms Act<sup>5</sup> of sawed-off shotguns. Said the Court: "In the absence of any evidence tending to show that possession or use of a 'shotgun having a barrel of less than 18 inches in length' at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the common defense." The Court then recited the original provisions of the Constitution dealing with the militia and continued: "With obvious purpose to assure the continuation and render possible the effectiveness of such forces the declaration and guarantee of the Second Amendment were made. It

<sup>1</sup> *Presser v. Illinois*, 116 U.S. 252, 265 (1886).

<sup>2</sup> *United States v. Cruikshank*, 92 U.S. 542, 553 (1876).

<sup>3</sup> 1 *Annals of Congress* 750 (1789). For earlier texts of the Amendment, see *id.*, 434, 749.

<sup>4</sup> 307 U.S. 174 (1939).

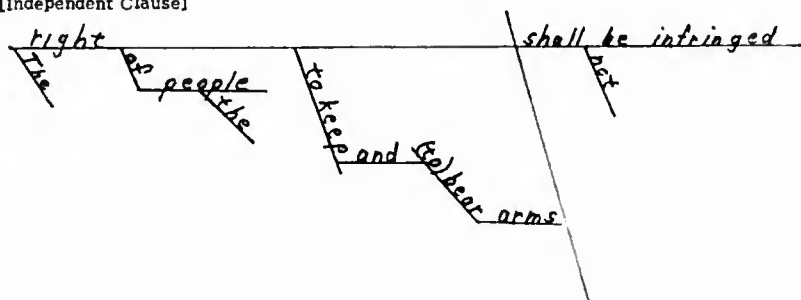
<sup>5</sup> 48 Stat. 1236 (1934), 26 U.S.C. § 5801 et seq.

must be interpreted and applied with that end in view."<sup>6</sup> Since this decision, Congress has placed greater limitations on the receipt, possession, and transportation of firearms and proposals for national registration or prohibition of firearms altogether have been made.<sup>7</sup> At what point regulation or prohibition of what classes of firearms would conflict with the Amendment, whether there would be a conflict, the *Miller* case does little more than cast a faint degree of illumination toward answering.

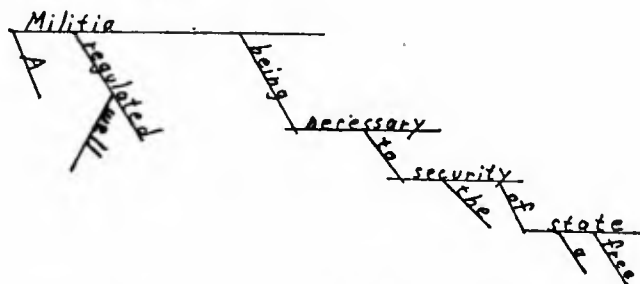
I have reproduced the Library of Congress "Annotated Constitution of the United States" (1972) pages 1035-1936 on the "Second Amendment to show: "The Supreme Court has given effect to the dependent clause of the Amendment in the only case in which it has tested a congressional enactment against the constitutional prohibition."

The Framers of the Constitution knew English grammar so the complex sentence of the Second Amendment must be parsed to be understood.

[Independent Clause]



[Dependent Clause]



The Second Amendment when parsed reads: "The right of the people to keep and bear Arms shall not be infringed because a well regulated Militia is necessary to the security of a free State." The Supreme Court can ignore the Independent main clause only if no one raises the point. If Congress confiscates hand guns or requires licensing and registration of all fire arms—the Supreme Court will get a Second Amendment case in 1976.

The 18 million Small Businessmen whose concerns are represented by the American Federation of Small Business, petition the U.S. House of Representatives Judiciary Sub-Committee on Crime, to oppose the proposed 19 "Restrict-

<sup>6</sup> *Miller v. United States*, 307 U.S. 174, 178 (1939). In *Cases v. United States*, 131 F. 2d 916, 922 (C.A. 1, 1942), cert. den., 319 U.S. 770 (1943), the court, upholding a similar provision of the Federal Firearms Act, said: "Apparently, then, under the Second Amendment, the federal government can limit the keeping and bearing of arms by a single individual as well as by a group of individuals, but it cannot prohibit the possession or use of any weapon which has any reasonable relationship to the preservation or efficiency of a well-regulated militia."

<sup>7</sup> Enacted measures include the Gun Control Act of 1968, 82 Stat. 226, 18 U.S.C. §§ 921-928. On proposals, see National Commission on Reform of Federal Criminal Laws, *Working Papers* (Washington: 1970), 1031-1058, and *Final Report* (Washington: 1971), 246-247.



tive" Bills which would either prohibit the private possession of handguns, or effectively prohibit by license and registration both handguns and long-guns.

Small Businessmen and their families, relatives, employees, suppliers and consumers—need today, as in colonial times, the deterrent to invaders of pistols and long-guns in their homes and places of business.

The federal Bill of Rights, whose bi-centennial is now being celebrated by all patriots—is a package of the first 10 Amendments. The Bill of Rights is a Bill of prohibitions ("Thou shalt nots"—as in the Ten Commandments) designed to protect individual citizens against their new republican Federal government, whose written Constitution, adopted by the 13 original States, was based on State Constitutions. There are 38 States with Bills of Rights. The Constitution itself provides for the widest possible distribution of power among the Legislative, Executive and Judicial branches; the "checks and balances" of veto, impeachment, limitations on judicial review, and judicial interpretation; Federal; State and Local governments.

Most of all the Constitutions recognized the supreme power of the people.

Two hundred years ago today on April 15, 1775 the Sons of Liberty in Boston dispatched Paul Revere to warn the people that "the British are coming" to seize the military stores of cannon and ammunition. The Minutemen won the battles of Lexington green and Concord bridge with a "shot heard round the world." Our history books teach us that almost every American in Colonial and Revolutionary times possessed their own private musket, pistol and ammunition as necessary weapons of self-defense. The "Minutemen" were both free individuals with their personal firearms legally able to defend their lives and property and they were also organized Militiamen.

The purpose of the Framers of the Second Amendment was to guarantee both the right of the people to have a citizen army rather than a "standing army" and the right of the people as free self-governing individuals to "keep and bear Arms" for their personal self-defense.

The "American Revolution" was not only the 7-year War of Independence but also the ideological Revolution: "That Each Person is a sovereign individual with certain inalienable God-given rights, and that the purpose of government is not to dispense rights, but to protect them from infringement. Among these rights are life, liberty, and property.

Officials at BATF (Bureau of Alcohol, Tobacco, Firearms, & Lotteries) say it would take an army of inspectors to enforce their present Laws, let alone adding any of the proposed Bills prohibiting the private possession of firearms.

"A well regulated Militia being necessary to a free State"—was one means the colonist citizens had to circumscribe the power of their new Republic because each of the 13 independent colonies had its own militia under Control of their Provincial legislatures.

The Articles of Confederation (1777-82) in Article VI, Para 4 states, after providing for armed forces of national defense: "but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

The new Illinois Constitution begins: "We, the People of the State of Illinois" which means all the individual residents and inhabitants. Article I is the "Bill of Rights". Section 22 reads: "Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed". Article XII deals separately and exclusively with the creation of a State Militia. It reads: "The State militia consists of all able-bodied persons residing in the State except those exempted by law".

The Constitutional right to keep and bear arms in a citizen's home or business for self-defense also serves the purpose of the State Militia because Section 4 provides: "The Governor may call them out to enforce the laws, suppress insurrection or repel invasion." Citizens armed with handguns and long-guns are needed to back up the Army National Guard in emergencies.

In *Miller v. United States* (307 US 174) in 1939, the Supreme Court, upholding a provision of the Federal Firearms Act, (registration of sawed-off shotgun) said: "Apparently, then, under the Second Amendment, the federal government can limit the keeping and bearing of arms by a single individual as well as by a group of individuals, but it cannot prohibit the possession or use of any weapon which has any reasonable relationship to the preservation or efficiency of a well

regulated militia." Militiamen are issued handguns and rifles when on duty so handguns are necessary to the efficiency of the militia.

The Constitution states in Article I, Section 8, Clause 14 "The Congress shall have Power To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; and Clause 15: "To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the Militia according to the discipline prescribed by Congress." Other clauses (10, 11, 12, 13) gave Congress power to declare war and raise Armies.

After Congress adopted the federal Constitution and the States ratified it the Congress adopted the "Bill of Rights" in the first Ten Amendments. The Second Amendment was for the purpose of protecting the "right of the people (individually) to keep and bear Arms (because) a well regulated Militia being necessary to the security of a free State".

The "Annotated Constitution of the United States" (Senate Document No. 92-82) Pages 1035-6 states: "The protection afforded by this (Second) Amendment prevents infringement by Congress of the right to bear arms, but it does not similarly extend to state action. (*Presser v. Illinois*, 116 US 252 (1886)), nor to private conduct (*U.S. v. Cruikshank*, 92 U.S. 542 (1876)). To what extent this protection runs, that is, *WHAT THE NATURE OF THE RIGHT IS*, remains after all these years a matter marked by uncertain lines. There is some little evidence in the scanty Congressional debates to indicate that the Framers were solely concerned with maintaining, or allowing the States to maintain, a militia force sufficient to prevent the establishment of a standing army (Annals of Congress 750 (1789)). The Supreme Court has given effect to the dependent clause of the Amendment in the only case in which it has tested a Congressional enactment against the constitutional prohibition."

"In *United States v. Miller* (307 US 174 (1939)) it sustained a Statute requiring registration under the National Firearms Act (26 U.S.C. 5801 (1934)) of sawed-off shotguns. Said the Court: 'In the absence of any evidence tending to show that possession or use of a "shotgun having a barrel of less than 18 inches in length" at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument. Certainly it is not within judicial notice that this weapon is any part of the ordinary military equipment or that its use could contribute to the Common defense.'"

"Since this decision, Congress has placed greater limitation on the receipt, possessions, and transportation of firearms and proposals for national registration or prohibition of firearms altogether have been made. At what point regulation or prohibition of what classes of firearms would conflict with the Amendment, whether there would be a conflict, the *Miller* case does little more than cast a faint degree of illumination toward answering."

For the meaning of "*the people*" in the Second Amendment we turn to Webster's New International Dictionary[8]. "The body of enfranchised citizens of a state; the electorate; in a broader sense, the body of persons in whom is vested the sovereignty of a nation or who are capable of expressing their general wish: usually *the people*. Syn. PEOPLE, NATION as here compared suggests the whole community regarded as an aggregate of individuals, yet as constituting a unit." "We here highly resolve that this nation under God shall have a new birth of freedom and that government of the people, by the people, and for the people shall not perish from the earth." "A state is accidental. It can be made or unmade, but a NATION is something real which can be neither made nor destroyed" (J. R. Grew).

Today, as in the 1770's and 1780's, the people are armed in their homes and places of business—because they want guns as a deterrent to crime and an "equalizer" to armed robbers, rapists, and murderers. Citizens today, also, see in current wars, revolutions, and terrorism, the need for an armed citizenry to support the Armed Forces of the nation. Labor Party governments disarmed the English people so that if President Roosevelt had not flown 200,000 rifles to Churchill the Nazi para-troops would have conquered the disarmed English people. The U.S.A. has 10 million illegal aliens. It has thousands of miles of open borders with Canada and Mexico, and the Florida Coast is only 90 miles from hostile Soviet Cuba. The people today do not feel secure against Repeater street criminals nor against Moscow-Peking financed terrorists. We subscribe to the expert analysis of Crime and Guns by Professional Policeman Gordon N. John-

son, Chief of Police of Minneapolis in 1973. Chief Johnson Takes a civil libertarian view. Police officers are sensitive to civil rights arrests, citizen and student protest, suspects' search and confessions.

Chief Johnson believes the people's concern should be focused on the mis-use of firearms. A minor form of mis-use is reflected in the firearms accident rate, which is a very small fraction of the auto accident rate. The 1974 National Safety Council report shows an accidental death rate of 26.6 for auto deaths, 8.1 falls, 4.1 drowning, 3.0 fire and burns, 1.8 poisoning, *1.3 firearms*, 1.2 suffocation.

Every firearm accident is regrettable but this comparatively modest rate (1.3 per 100,000) could best be lowered by launching or expanding Firearms Safety Courses such as the American Legion sponsors. Part of the Illinois gun owners registration fee is supposed to go for this purpose.

The most obvious mis-use of firearms is *in crime* although the percentage of guns so used is very small. Concerning handguns, a comparison of ownership estimates made by the Eisenhower Commission with handgun crimes reported in the F.B.I.'s Annual Uniform Crime Reports typically shows that only a *fraction of 1% of handguns are used in all crimes*. Our laws should be directed toward the criminal use of firearms rather than toward restricting the vast legitimate use by the law-abiding citizenry. Congressman James Abdnor of South Dakota writes constituents in his March report: "It seems senseless to take away all guns because a few mis-use them."

Chief Johnson says Laws should be commensurate with the problem, directed specifically rather than generally, considerate of civil rights, and enforceable. The Treasury's Bureau of Alcohol, Tobacco, Firearms and Lotteries is already over-burdened. A field supervisor told me that it would take an army of agents to properly enforce existing laws without adding gun confiscation or licensing and registration. It is foolish to enact unrealistic legislation to try to physically prevent a crime from taking place. Chief Johnson correctly says: By placing safety higher than freedom, benevolent totalitarians want to insulate us from all dangers. The people must be able to recognize the point of diminishing returns when allocating tax funds which might be better spent on improving parts of the criminal justice system, such as the prevention of crime and incarceration of criminals.

The government cannot legislate out of existence the gun ownership which 40 million firearms owners believe to be among their constitutional rights. Such laws will be popularly nullified as in the case of Prohibition.

All Police are concerned with armed criminals since 75% of them are recidivists or repeaters, young and reckless. We support legislative proposals for a substantial mandatory and consecutive sentence, without parole, for those convicted of any felony involving firearms or other weapons. The mandatory sentence would be a deterrent to gun carrying by felons, allow time for rehabilitation, and protect society by taking them off the streets.

From 1963 through 1972—59% of the *1,084 felons involved in killing Police* [in 10 years] had been convicted on a prior criminal charge. If the gun confiscation proponents who beg the question about "saving just one life" would help pass mandatory sentencing laws, more than one life would be saved.

Chief Johnson says the present Federal regulation of gun dealer sales is adequate to Police needs. The record-keepug requirements allow local police to trace firearms quickly from manufacturers down to the owner without Federal Registration recording data on the owner and his firearm in a central Government computer. When many advocates of Federal Registration speak of tracing firearms they want a centralized system that can be used for confiscation. Licensing of all present firearms would waste resources better spent on the treatment of the criminally insane, drug addicts and alcoholics, all seriously dangerous to society even without firearms.

We join Chief Johnson in opposing a "permit" system under which most citizens could not qualify because of the subjective discretion as to need or character, as assessed by the issuing authority. The courts would hold this kind of civil rights violation to be unconstitutional.

"Gun-control" is a cheap shot at crime, attractive because of its simplicity and avoidance of an objective look at crime causes. Failure to defeat crime is invariably attributed to weak or incomplete laws. The answer is not more laws repressive of defensive weapons but not of law-breakers. The mass media has joined the campaign of hysteria for confiscation, first of handguns, then of other firearms. Firearms and firearms laws are not among the 11 major variables listed as crime causes in the (FBI 1973) Uniform Crime Reports.

Public Opinion polls, such as one taken by Mr. Mikva recently in Chicago taxicabs and cleaning shops on the subject of Gun Control never ask what the Public knows about present laws. Supposing Mr. Mikva's poll shows a majority of those Chicagoans polled favor "gun control" should our civil liberties be denied by such a majority decision? The Bill of Rights were devised to recognize rights and protect even a minority of one from the tyranny of the majority.

Opponents of private handgun ownership for defense of one's family, property, and life, assume that the defender is always the loser in an encounter. Who has the right to say that a citizen may not defend himself, his family, and his business? Chief Johnson, like J. Edgar Hoover, fears the local police will be given the job of arresting the 40 million gun owners who believe they have a 350-year old right to keep and bear arms. The army of Federal Agents necessary to enforce these proposed "gun laws" will become a National Police Force.

## EXHIBITS

LOS ANGELES POLICE DEPARTMENT,  
Los Angeles, Calif., February 14, 1975.

Mr. Ira H. Latimer,  
Executive Vice-President, American Federation of Small Business, Chicago, Ill.

DEAR MR. LATIMER: As per your request, I am enclosing a copy of my letter to Sheriff John Buckley. This letter was printed in the California Rifle and Pistol Association Newsletter in June of last year.

It appears that the anti-gun lobby is willing to use any means available in order to disarm the public. The real need, if they are concerned, lies not in the abolition of firearms, but rather in strong judicial leadership. The Arthur Bremer in our society need more than a fifty dollar fine to discourage them. Stronger laws will not prevent groups like the SLA from obtaining automatic weapons. The answer cannot be found in the suspension of constitutional guarantees. The answer is tied to the proper administration of existing law.

Very truly yours,

E. M. DAVIS,  
Chief of Police.

LOS ANGELES POLICE DEPARTMENT,  
Los Angeles, Calif., May 8, 1974.

Sheriff JOHN J. BUCKLEY,  
Office of the Sheriff, The Commonwealth of Massachusetts,  
Billerica, Mass.

DEAR SHERIFF BUCKLEY: You will never find anyone more opposed to your stand on handguns except for the military and police, than myself.

New York has had the Sullivan Law for a long, long time. Considering the state of crime in New York, I don't know how you could possibly make your statement that the New York statute has helped. Before we attempt to pass laws to deprive individuals of retaining their handguns, we must first try to get the judiciary to enforce the existing gun laws. This they consistently fail to do.

I am shocked at your suggesting national gun control laws. There is nothing in our constitution, or its amendments, which would give the Federal Government the right to impose such a statute.

I notice by the seal of your County that it was settled in 1629. We are about 200 years behind you in terms of having settled the West. If you ever come out through these Western States, I suggest you carry your gun with you. If you are going to advocate taking away other people's guns, you'll need it.

Sincerely,

E. M. DAVIS,  
Chief of Police.

## GUN CONFISCATION BILLS INTRODUCED IN THE 94TH CONGRESS

(Prepared by American Federation of Small Business)

S. 750 by Hart (Michigan). To prohibit handguns except for military, law enforcement, federal licensees, collectors and pistol clubs. To Judiciary, 2/19/75 [Senate]

H.R. 40, by Bingham (New York). To *prohibit handguns* except for military, law enforcement, federal licensees, collectors and pistol clubs. To Judiciary 1/14/75. [HOUSE]

H.R. 267 by Boland (Massachusetts). To *prohibit "Saturday Night Specials"*. To Judiciary, 1/15/75.

H.R. 354 by Dellums (California). To require national firearms *registration, licensing* of possession of firearms; to *prohibit handguns*, with exceptions. To Judiciary, 1/15/75.

H.R. 626 by McClory (Illinois). To provide for systematic *handgun registration*. To Judiciary, 1/16/75.

H.R. 638 by Mikva (Illinois). To *prohibit handguns* except for military, law enforcement, federal licensees and pistol clubs. To Judiciary, 1/16/75.

H.R. 696 by Murphy (New York). To *prohibit* the unlawful possession of *firearms* (possession of firearms by certain classes of persons under the Gun Control Act of 1968). To Judiciary, 1/16/75.

H.R. 706 by Murphy (New York). To *prohibit* the sale of *handguns* determined by the Secretary to be unsuitable for lawful sporting purposes. To Judiciary, 1/16/75.

H.R. 1187 by Yates (Illinois). To *prohibit* interstate commerce in *handguns*. To Judiciary, 1/16/75.

H.R. 1533 by Meekins (Illinois). To *prohibit handguns* except for military, law enforcement, federal licensees, collectors and pistol clubs. To Judiciary, 1/17/75.

H.R. 1601 by Drinan (Massachusetts). To regulate and *control handguns*. To Judiciary, 1/17/75.

H.R. 1685 by Gude (Maryland). To amend the Gun Control Act of 1968. To Judiciary, 1/20/75.

H.R. 1904 by Matsunaga (Hawaii). To *prohibit handguns* except for military, law enforcement, federal licensees, collectors and pistol clubs. To Judiciary, 1/23/75.

H.R. 2313 by Fauntroy (District of Columbia). To *prohibit handguns* except in certain circumstances. To Judiciary, 1/29/75.

H.R. 2433 by Drinan (Mass.). To *restrict availability* of firearms. To Judiciary, 1/30/75.

H.R. 2381 by Burke (California). To prohibit "dum-dum" bullets in interstate commerce. Referred jointly to Ways and Means and Interstate and Foreign Commerce, 1/29/75.

H.R. 2911 by Murphy (Illinois). To *prohibit handguns* except for military, law enforcement, federal licensees, collectors and pistol clubs. To Judiciary, 2/5/75.

H.R. 3021 by Karth (Minnesota). To *prohibit* the sale of "Saturday Night Specials". To Judiciary, 2/6/75.

H.R. 3086 by Rostenkowski (Illinois). To *prohibit handguns* except for military, law enforcement, federal licensees, collectors and pistol clubs. To Judiciary, 2/6/75.

#### PETITION TO DEFEND THE SECOND AMENDMENT RIGHT TO SELF-DEFENSE

Congressman \_\_\_\_\_  
U.S. House of Representatives,  
Washington, D.C.  
and  
Senator \_\_\_\_\_  
U.S. Senate,  
Washington, D.C.

I (We) petition you to actively oppose the 20 House bills to prohibit handguns or to license & register ALL guns—now before the U.S. House Judiciary Sub-Committee on Crime. The 2nd Amendment provides: "A well regulated Militia, being necessary to the security of a free State, the right of the People to keep and bear Arms, shall not be infringed" [by Congress]. Congress cannot use the "Power to regulate Commerce" as an excuse to infringe "the right of the People to keep and bear arms."

These Gun Confiscation bills are amendments to the federal "Gun Control Act of 1968" and provide: "It shall be unlawful for any person to import, manufacture, sell, buy, transport any handgun . . . Whoever violates any provision of this chapter . . . shall be fined not more than \$5000, or imprisoned not more than five years, or both." I (We) urge you to oppose these Bills.

Our best witness on Handguns and Crime is Chief of Police Edward M. Davis, Los Angeles, who writes us: "It appears that the anti-gun lobby is willing to disarm the public. The real need, if they are concerned, lies not in the abolition of firearms, but rather in strong judicial leadership" [Feb. 14, 1975]. Chief Gordon N. Johnson of the Minneapolis Police Dept. stated Jan. 3, 1974: "Police forces were never designed to provide general personal security; that reliance has of necessity rested with the people. Who provides protection before the squad car arrives?"

Rep. John B. Conlon of Ariz. states: [3-2-74] "New York stands near the top of the National crime rate index for violent crimes, with a homicide rate nearly 2 & one-half times the national average. The strict gun-control laws in New York [Sullivan Act] have done nothing to reduce a steady increase of murder committed with guns . . . almost doubled in 8 years, despite gun control. Disarmed citizens are put at the mercy of repeater-felons armed with illegal, black-market, unregistered, untracable guns. The 1975 Handgun Confiscation and federal Licensing-Registration Bills would extend the New York condition nationwide.

A \$50 bounty is provided in H.R. 1087 (Bingham, D. Bronx, NY) and S. 750 (Hart, D. Mich.). Baltimore paid a \$50 Bounty for 10 weeks in 1974 (\$660,000 for 13,500 mostly handguns) with no effect on the crime rate. The Gun-Ban lobby argues that the Second Amendment intended "the right of the People to keep and bear Arms" applies to the Militia and not to individuals. This is a red-herring because Article I, Section 8, Clause 16, of the Constitution itself states: "The Congress shall have power . . . To provide for organizing, arming and disciplining the Militia." Congress did not pass the National Guard [State Militia] Act till 1916. The original 13 States refused to adopt the Constitution until the Bill of Rights [first 10 Amendments] had been submitted for ratification—to protect the People from the Federal Government itself.

Like the Ten Commandments the Bill of Rights is a list of "Thou shalt not" prohibitions against the power of the Federal government. Over half the households in the USA own (100 million) guns for self-defense against street criminals, narcotics addicts, and rioters. Small businessmen along with all citizens need the right to private ownership of a handgun in their homes and businesses as a deterrent to addicts, revolutionaries, and other criminals.

Name-----	Address-----
Name-----	Address-----
Name-----	Address-----

Now, that will free you to make any point you would like to make, and then Mr. McClory and I would perhaps want to raise a question or two, time permitting.

Why don't you begin, Mr. Schrank?

### TESTIMONY OF MICHAEL SCHRANK, MEMBER, LITTLE FORT GUN COLLECTORS' ASSOCIATION, AND OWNER, SMOKE & GUN SHOP, WAUKEGAN, ILL.

Mr. SCHRANK. Thank you very much, Mr. Conyers and Mr. McClory.

I want to tell you a little bit about my point of view as a gun dealer, also as a gun collector.

First, as far as the easy availability of handguns is concerned, I want to take just a minute to tell you just how easy it is to buy a handgun in my store or in any other store in the State of Illinois, or in any store in most of the States of the Union.

A customer must fill out a Federal form which contains various questions. They get pretty personal:

Are you under indictment or information in any court for a crime punishable by imprisonment for a term of more than 1 year?

Have you ever been convicted of a crime for which the punishment could have been more than 1 year?

Are you a fugitive?  
 Are you an unlawful user of a narcotic drug?  
 Have you ever been adjudicated mentally defective?  
 Have you been dishonorably discharged from the Armed Forces?  
 Are you an alien, illegally in the United States and are you a person who has renounced his citizenship?

And then you must sign this statement:

I hereby certify that the answers to the above are true and correct.

I understand that a person who answers any of the above questions in the affirmative is prohibited by Federal law from purchasing or possessing a firearm.

I understand that the making of any false oral or written statement or exhibiting of any false or misrepresentative identification with respect to this transaction is a crime punishable as a felony.

Second, the purchaser must have an Illinois gun owner's identification card. In order to get this identification card from the State of Illinois, you must fill out a similar form which asks very similar questions.

Third, the customer must be 21 years of age.

Fourth, the Waukegan Police Department has a handgun registration program. This is used primarily to supplement the statements made on the Federal form in that since the State card was granted, possibly new things have happened to this particular person since he obtained the card from the State.

Now this puts us in very close contact with the chief of police in Waukegan.

If there are any felony convictions, if this person is, for example, guilty of many, many misdemeanors of a violent nature, he will be turned down. He will not be allowed to purchase.

The fifth point is that the State of Illinois requires a 72-hour waiting period before the possession can be transferred on a handgun dating from the time of sale.

So it isn't really that easy to purchase a handgun. Handguns are not quite so readily available as many people would have us believe.

Every dealer, every Federal firearms dealer, every licensed dealer must keep a bound book record of all transactions. These records must be kept forever. If the business is terminated or sold, the records must be turned in to the Government, to the ATF Division of the Treasury Department.

We also are required to keep the Federal forms and the store receipts so that should it be proven that a person lied on one of the Federal forms, did not tell the truth in answering the questions, this is admissible in court as evidence.

Now I have observed the Lake County and the Waukegan area from any years and I think I have a fairly good idea of what type of people are purchasing handguns and what the uses are of these handguns.

What we have heard in the last 2 days have been primarily the use of handguns only as a defensive weapon or as an offensive weapon.

However, in looking through my records which really cover the sales in the last 10 years that I have been in business—of approximately 20,000 firearms—roughly half of that number have been handguns, and in going into the records some more and looking at the handguns that I have sold, I have been able to determine that by the



nature of the person to whom I have sold the handguns, we have many many repeat customers and also I have what types of handguns they are.

Now I would say that my customers are approximately 40 percent collectors of guns, 25 percent target shooters, 20 percent police and related law enforcement personnel and about 15 percent home defense.

Now I do grant that most handguns purchased could be used for home defense.

There is very little in a handgun, rifle, or shotgun that could not be used for home defense.

However, I am a little bit disturbed in looking at my figures and in looking at the testimony that has been given, in that the fact that no one seems to admit that a person who owns a handgun is a sportsman and that everybody who owns a handgun owns it because he fears for his life.

Now I know that this is not true. If this were the primary purpose for purchasing a handgun, in my experience people would purchase one handgun and I would not have regular customers. I would not have collectors who have 24 handguns come into my store, see a desirable item, purchase it, and that then becomes the 25th handgun that he owns.

I just don't agree that so many guns are purchased for home defense.

As far as the handguns being called Saturday night specials: in Illinois, since the inception of the 1968 handgun control act, I have sold approximately 200 handguns that would fit into the category of Saturday night specials.

Since the inception of the Illinois junk gun law—and this is the name, "The Junk Gun Law"—on March 1, 1974, I have sold no Saturday night specials; not one, so that is zero present.

We did away with the problem in Illinois pretty easily.

The Federal Government, in other States, I think could take a look at our law and find something very desirable in it.

Why didn't I sell more of the Saturday night specials?

Well, to be honest, the people in my trading area, the people in Lake County, which includes black and white because Waukegan is a very, very much industrial base as is the town of North Chicago which is adjacent to Waukegan—it has an industrial base also and ours is a town with approximately 27 percent Negro population—now they didn't want these guns. They just plain weren't interested in these guns, so I didn't carry them.

Now, of course, I don't have to worry about carrying them because we can't sell them.

What can you do; what can Congress do as far as taking care of the problems that we have with crime control today?

I think you should make the use of a firearm in any crime of violence a Federal offense. I think it should be prosecuted on a Federal level.

I think you should enact mandatory punishments for any crime of violence in which a firearm is used.

I think you should streamline the courts. I know you agree, and it is a hard job to do, but you should be able to try, convict, and sentence criminals immediately.



You should eliminate the granting of appeals on very little or no grounds.

Fourth, you should show a little bit more concern for the rights of the 219 million people in this country who are innocent, and show perhaps a little bit less concern for those who are convicted criminals.

I think the majority must rule and I think the rights of 219 million people are more important than the rights of less than a million.

Fifth, I think the Congress should pass a Federal junk gun bill. This will eliminate all of the Saturday night specials.

What should you not do in Congress?

I think these are as important, possibly more important than what I feel you should do.

You shouldn't register weapons. It doesn't work. It doesn't work in Chicago, it doesn't work in New York. It just isn't going to work on a national basis either.

You shouldn't ban the manufacture, sale, transportation or transfer of weapons. It is unenforceable, completely unenforceable and you shouldn't confiscate weapons. That I find to be unbelievable and unenforceable and probably—I won't argue with you because I am not a lawyer but I feel it is unconstitutional.

Approximately 200 years ago, the American colonists founded our country by willingly disobeying unfair English laws that were imposed upon us.

In a country founded on civil disobedience in this manner, I do believe that passage of an extremely unpopular firearms law or laws might send a majority of Americans looking back into their history books to see just what happened then and just what is happening now and try to compare the two.

I do agree with one of Mrs. Sullivan's statements. Since the National Rifle Association agreed with her I feel I should also.

This is the only civilized country in the world where the average person may own a handgun.

This is one of the only civilized countries in the world where the average person may own any gun.

This is also, by far, the freest country where a person may pursue whatever pursuits he deems necessary, where a person can make out of himself whatever he desires to make out of himself, without being trampled upon, without being stopped, without being controlled by a very, very dictatorial—by a very very—whatever I am trying to say—government who sets policies, rules and regulates your life.

Thank you very much.

Mr. CONYERS. I appreciate your views as a businessman, as a dealer in guns and you are a constituent of my colleague from Illinois so I think I will defer to him and allow him to question you first.

Mr. McCLORY. Mr. Chairman, I am not going to ask Mr. Schrank any questions.

I am just going to say how proud I am of you and how eloquent your statement was and how important your statement was for this committee.

I am very, very grateful for your appearance here today and I compliment you on the contribution you have made to our hearings.

I thank you.

Mr. SCHRANK. Thank you very much.

I didn't expect to have the opportunity to speak and I deem it a great privilege to have appeared before you today.

Thank you again.

Mr. CONYERS. I can't give you as high a grade as your Congressman but I am just wondering if people begin looking back into their history to act out any kind of lack of opportunity, I suppose the blacks living under the veil of discrimination for over 400 years might begin to do that same thing.

Mr. SCHIRANK. I am sure they do—well, yes, it is very evident that they have in the last, what, approximately 15 or 20 years and I can't come up with any quick solutions.

I don't live in a high crime area. I don't live in Chicago. I don't live in a black neighborhood so I can't give you any testimony that would come from my personal experience.

I can tell you that I live in a town where we have very many black citizens, about 27 percent, and as I mentioned, I see these people every day and I do business with them. I belong to organizations to which they belong to and I can't give you any, you know, one-shot, sure-cure proposition that is going to help what has happened in our country and in other countries of the world for over 200 years.

Mr. CONYERS. If they followed your advice, the implications of your remarks, they will then disregard the nonviolent protest that has marked the civil rights struggle with organizations like the National Association for the Advancement of Colored People and the Urban League, whose members just testified prior to you, and they will be thinking about resorting to the violence that you implied people might resort to if we pass a law that they don't like.

Mr. SCHIRANK. I didn't intend to mean that the people will become violent. I can see where, perhaps, I left that impression, however.

Mr. CONYERS. I am surely glad you cleared that up.

Mr. SCHIRANK. Thank you.

What I am trying to say, in a very polite way, I suppose, is that if you take handguns away from people, if you try and take rifles and shotguns away from people, as is the next step proposed by many of the people on the proponents side, if I can call it that, they would like to see all guns taken away.

Mr. CONYERS. Have you heard anybody here advocate that position?

Mr. SCHIRANK. No, sir, I haven't; not in these particular hearings. However, I can, with a little bit of research, come up with a couple of bills that were proposed in Illinois last year which defined a handgun as anything except a crew-operated weapon.

Mr. McCLORY. Would you yield to me, Mr. Chairman?

Mr. CONYERS. Sure.

Mr. McCLORY. I just say in the enacting—in the hearings on this, the debates on the 1968 Gun Control Act, I offered an amendment to provide for a Federal registration of handguns, an amendment to my amendment was then offered to register all guns and you see—

Mr. SCHIRANK. Yes; that is right.

Mr. McCLORY. It follows automatically.

Mr. SCHIRANK. And that scares me.

Mr. CONYERS. That is completely different from the abolition of all guns.

Registering all guns is a different subject from abolishing all guns and that was the point to which I was referring.

Mr. McCLORY. If you will yield further, the step is to lump all guns together after you——

Mr. CONYERS. No.

Mr. McCLORY. Yes; that is why I think we want to limit our attention to the subject of handguns.

Mr. SCHRANK. I can't really limit it to handguns because I have one gentleman who says, "Let's register handguns."

Then the next gentleman says, "Let's take away handguns."

Then the third gentleman says, "Let's cease to manufacture or sell handguns."

And then the fourth gentleman says, "Let's take away ammunition."

And the fifth gentleman says, "Let's take away rifles."

And the sixth says, "Let's take away shotguns."

Mr. CONYERS. Well, you watch our subcommittee.

Mr. SCHRANK. I am.

Mr. CONYERS. And watch the Congress and watch the Senate and, after extensive hearings, we are going to come up with some recommendations and I hope that they will square with the ones that you presented today.

I thank you very much for your testimony.

Now if I could move to the president of the American Federation of Small Business, Mr. Ira Latimer.

#### TESTIMONY OF IRA LATIMER, PRESIDENT, AMERICAN FEDERATION OF SMALL BUSINESS

Mr. LATIMER. Yes, Mr. Chairman, thank you.

In the April 7 issue of the United States News there appeared an article, "New Epidemic of Crime—The Causes and Cures,"—and there are quotations from 14 chiefs of police of large cities across the Nation.

Only the Chicago deputy or chief of police cries "guns." All of the rest of these chiefs of police of major cities in the United States pin the responsibility for increased crime on lack of law enforcement, lack of enforcement of laws by the judges.

I think that, as you say, Mr. Chairman, we are on the verge of a nationwide debate in depth.

I hope that you will read the second amendment in the Annotated Constitution of the United States, published as a congressional document.

Mr. CONYERS. I do almost every day.

Mr. LATIMER. Yes; well the one that I have a part of or that I have made into a diagram here apparently has not been put up.

The way that the second amendment, which is one sentence, reads, the part, or as diagrammed by a grammarian, is:

The right of the people to keep and bear arms shall not be infringed because a well regulated militia is necessary to the security of a free state.

They are going to have a reenactment next Sunday, Saturday and Sunday at Concord and Lexington with some 200,000 Americans present and they have the idea, strange as it may seem, from our history books, that the American citizens have the right to keep and bear arms and the bills that have been introduced and are before your committee, the restrictive bills, and I think there are about 18 of them, it is very

odd that they should all be introduced almost in a block as though somebody got together and planned the introduction of these bills as a campaign.

You will find that they were introduced between January 14 and February 5; 14 bills—18 bills.

As to our position, we are for all of the nonrestrictive bills; mandatory sentences, consecutive sentences, no parole for anybody committing a crime with a gun; handgun, rifle, shotgun—whatever.

On Thursday at 5 o'clock in front of my home I was held up in an attempted robbery by three negro boys or men, young men.

Mr. CONYERS. Thank you, sir.

Mr. LATIMER. One of them pointed a gun at me but a little bit farther back from me than I am pointing at you and he used—he said, “I am going to shoot you if you don't give me your money.”

I bring this in just—well I live in a mixed neighborhood and that means negro and white, in Hyde Park.

I have had firsthand experience with the police department in Chicago because I had three burglaries and in one of them they took a handgun. I got it back 6 months later after going to court about six times. Each time the case was continued and the man who had stolen the gun was in court. I was the one who was on trial, not him.

Now to counter the ACLU and the group of organizations that were listed here by Mrs. Fermi, whose husband, I understand was in on the creation of the atomic bomb that blew up some hundreds of thousands of people in Hiroshima and Nagasaki; the American Farm Bureau Federation is the only reply I have had so far but I have sent out to all of the patriotic organizations and I will submit to you the additional replies but this one organization has 2 million members, farmers and ranchers who need handguns because, as in Chicago, the small businessmen, black as well as white, the small businessmen need a handgun which is the self-defense weapon of the cities as compared with the self-defense weapon of the countryside and the small towns, the rifles and the shotguns.

Mr. CONYERS. Well, thank you very much, Mr. Latimer.

On that note, good for some, unfortunate for others, we must regretfully bring to a close these hearings in the Chicago area.

I would like to yield to my friend from Illinois, Mr. McClory, who, through his assistance and the assistance of many people on his staff, have helped make these hearings as fruitful as I hope that you might think they are.

Mr. MCCLORY. Thank you, Mr. Chairman.

I am very pleased that the hearings were held here, that you saw fit to come to Chicago for this purpose.

I certainly want to pay special tribute to our staff members, our counsel Chris Gekas and Maurice Barboza and Tim Hart for making the arrangements here and to express special thanks to Station WTTW, channel 11, for making these splendid facilities available.

I can't help but feel that we have given the widest possible publicity to all of the pros and cons and in betweens with regard to the subject of gun control and with regard to all of the aspects that relate to this general subject.

I think this is a very proud day for our committee and for our city and for our State.

I want to add thanks to all those who took part in these important hearings, the witnesses, for all that they contributed and all of those that came and witnessed these hearings as well as all of those out in the area who had the privilege of looking in on us through the television facilities which channel 11 has provided.

Thank you very much.

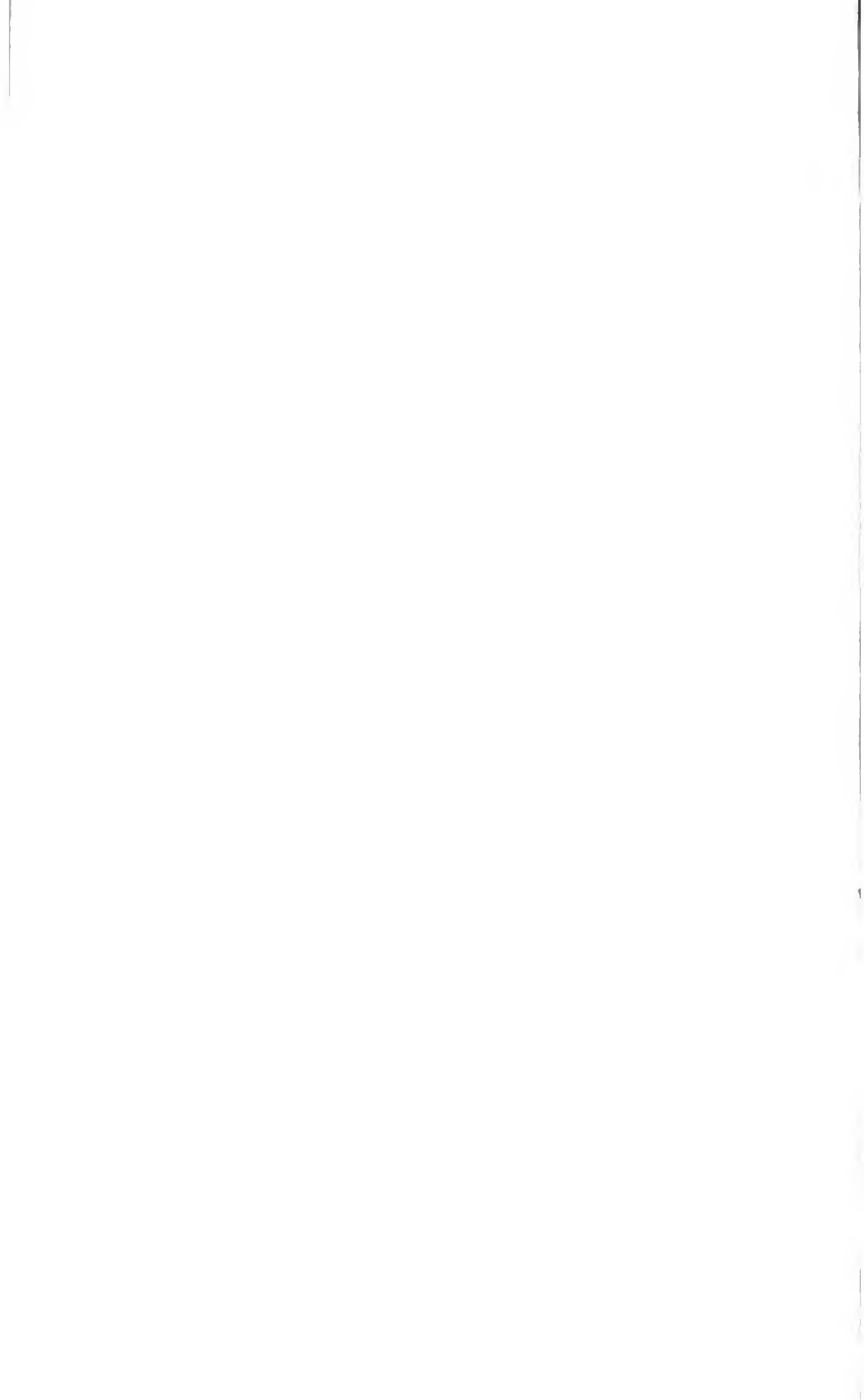
Mr. CONYERS. Well, Mr. McClory, you covered our appreciation to WTTW, channel 11, to our own counsel, Mr. Barboza and Mr. Gekas, and to the people that helped put it together, some our staff and volunteers, to all of the organizations and their representatives and to all of you here who came to the studio, we think that these hearings are important.

I guess the underlying point is that we have a place like these hearings to exchange these views, to put them on the record and have others examine them critically and fairly and dispassionately, and on that note I express these regards to all of the witnesses, to all of the ones that I didn't agree with, the ones that I didn't know enough about what they were saying to perceive, the ones that I thought I liked and the ones that I knew I liked.

To all of them please understand that Mr. McClory and I are very deeply grateful to you and to the kind of audience that we have had here in Chicago.

And so on that note these hearings are terminated.

[Whereupon, at 3:18 p.m., the subcommittee adjourned, subject to the call of the Chair.]



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## APPENDIXES

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## APPENDIX 1

## Chicago gun control ordinance and application for registration.

**TYPE or PRINT**  
Use Black Ink

**MAIL TO**  
**GUN REGISTRATION**  
**DEPT. OF REVENUE**  
**CITY HALL**  
**CHICAGO, ILL. 60602**

**CITY GUN REGISTRATION NO.** \_\_\_\_\_

**DATE REGISTERED** \_\_\_\_\_ (DO NOT WRITE ABOVE THIS LINE)

Firearm Acquired \_\_\_\_\_ Serial Number \_\_\_\_\_ Model \_\_\_\_\_ Caliber/Gauge \_\_\_\_\_ Barrel Length \_\_\_\_\_

Make or Manufacturer \_\_\_\_\_

1 ☐ REVOLVER 3 ☐ SHOTGUN 9 ☐ OTHER  
2 ☐ RIFLE 4 ☐ AUTO. PISTOL

☐ MALE ☐ ORGANIZATION \_\_\_\_\_  
☐ FEMALE ☐ CLUB or ASSN. \_\_\_\_\_

DATE OF BIRTH \_\_\_\_\_  
Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

OWNER'S NAME \_\_\_\_\_  
(Last) (First) (Middle)

STREET ADDRESS \_\_\_\_\_

CITY & STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

PHONE NO. \_\_\_\_\_ SOCIAL SECURITY NO. \_\_\_\_\_

SIGNATURE \_\_\_\_\_ (COMPLETE THE REVERSE SIDE) DATE \_\_\_\_\_

DRIVER'S LICENSE NO. \_\_\_\_\_  
☐ ISSUING STATE  
☐ ILLINOIS ☐ OTHER

CZ354-REV. '74.

PERSONS WHO ARE UNDER 18 YEARS OF AGE—ADDICTED TO NARCOTICS—MENTALLY RETARDED—CONVICTED OF A FELONY OR RELEASED FROM PENITENTIARY OR FROM MENTAL INSTITUTION OR ILLINOIS YOUTH COMMISSION IN PAST FIVE YEARS ARE INELIGIBLE TO REGISTER.  
I CERTIFY THAT I HAVE ANSWERED ALL QUESTIONS TRUTHFULLY AND CORRECTLY. I AM NOT INELIGIBLE TO REGISTER. FALSIFICATION PENALTY: THIS NULL AND VOID AND SUBJECTS ME TO A PENALTY OF \$500.00.

## ACQUISITION DATA

It will assist us in maintaining the accuracy of Gun Registration Records if you will complete the following:

GUN WAS ACQUIRED BY ME ON \_\_\_\_\_ GUN OBTAINED BY \_\_\_\_\_  
Date \_\_\_\_\_ ☐ PURCHASE ☐ GIFT ☐ TRADE

HAS WEAPON BEEN REGISTERED IN CHICAGO? \_\_\_\_\_ Previous Registration Number if known  
☐ YES ☐ NO REGISTRATION NO. \_\_\_\_\_

**GUN WAS ACQUIRED FROM**

NAME \_\_\_\_\_ (Last) (First) (Middle)

STREET ADDRESS \_\_\_\_\_

CITY & STATE \_\_\_\_\_

PURPOSE FOR ACQUIRING GUN: \_\_\_\_\_

New Regulations Prescribed to Govern Registration  
of Firearms.

ORDINANCE PASSED ON JANUARY 30, 1968

(Published in Journal of the Proceedings on February 14, 1968)

(Effective April 15, 1968)

(Amended January 27, 1971)

(Published in Journal of the Proceedings on February 12, 1971)

(Effective February 23, 1971)

*Be It Ordained by the City Council of the City of Chicago:*

SECTION 1. The Municipal Code of the City of Chicago is hereby amended in Chapter 11.1 by inserting in Section 11.1-1 the language appearing in *italics* below:

11.1-1. *All firearms located in the City of Chicago shall be registered in accordance with the provisions of this Chapter. Any seller of firearms, other than a manufacturer selling to a bona fide wholesaler or retailer or a wholesaler selling to a bona fide retailer, shall keep a register of all such firearms sold or given away, and shall keep an inventory of all firearms in stock, which inventory shall list the wholesaler or other source of acquisition of the firearm and the date of acquisition by the seller. (as amended January 27, 1971)*

11.1-2. Such register shall contain the date of the sale or gift, the full name, address, age, physical description and occupation of the person to whom the firearm is sold or given, the price of the firearm, the kind, description and serial number or other identifying marks of the firearm, the purpose for which it is purchased and obtained, the permit number, and other relevant information deemed necessary by the City Collector.

11.1-3. Such seller on demand of a police officer shall produce for inspection the register and inventory and allow such police officer to inspect such register and inventory and all stock on hand.

11.1-4. At the time of sale the seller shall complete a registration form, designed or approved by the City Collector, which shall contain the date of the sale or gift, the full name, address, age, physical description and occupation of the person to whom the firearm is sold or given, the price of the firearm, the kind, description and serial number or other identifying marks of the firearm, the purpose for which it is purchased and obtained, the permit number, and other relevant information deemed necessary by the City Collector.

11.1-5. At such time of sale the seller shall witness to the best of his knowledge that the information submitted on the registration form by the purchaser is true and correct and that the transaction is not in violation of law.

11.1-6. The completed registration form, signed by both the seller and the purchaser, shall be mailed by the seller to the office of the City Collector no later than 48 hours after the sale.

The Municipal Code of the City of Chicago is hereby amended in Chapter 11.1 by striking from Section 11.1-7 the language set out in brackets below and inserting therein the language appearing in *italics* below:

11.1-7. Every person after purchasing or otherwise acquiring a firearm from any person other than a [licensed] firearms dealer licensed by the City of Chicago under this Code, shall, within 10 days of the purchase or other acquisition, provide the City Collector with the information stipulated in Section 11.1-8 of this Chapter on a registration form designed or approved by the City Collector. *The burden of proving any firearm was acquired within such 10-day period shall be upon the person charged with failure to register such firearm. [If the purchase or other acquisition of the firearm precedes the effective date of this ordinance the person shall register the possession of a firearm with the City Collector on forms designed or approved by the City Collector within 30 days after the effective date of this ordinance.]*

(as amended January 27, 1971)

11.1-8. The City Collector shall forward to every purchaser, recipient, or possessor of a registered firearm a registration certificate within 30 days of registration. The certificate shall state the full name, address, age, physical description of the registrant, the kind, description, and serial number or other identifying marks of the individual firearm to which it applies, which will not be transferable and shall be carried simultaneously with the firearm and shall be exhibited to any police officer upon his demand for inspection. Registration shall not make lawful the carrying or possession of a firearm if prohibited by any other law. The registration provisions of this Chapter shall not apply to manufacturers, transporters or wholesale or retail sellers of firearms or those persons with exempt status pursuant to subsections (a) (1), (a) (2), and (a) (3) of Section 24-2 of the Illinois Criminal Code.

11.1-9. The City Collector may investigate and verify all statements in the registration form and reserve the right to refuse registration of the firearm if the registrant is in violation of any provision of this Chapter. Any applicant who believes that his application is wrongfully refused may appeal to the Mayor the propriety of said refusal. Upon the filing of such appeal, the Mayor shall cause a hearing to be held and based upon the evidence contained in the record of such hearing, either affirm or reverse the decision of the City Collector. The action of the Mayor shall be subject to Judicial Review in accordance with the provisions of the Administrative Review Act.

11.1-10. Any change in registration must be effected on a form prepared by the City Collector. In addition, the new registrant shall register the firearm in accordance with the provisions in this Chapter for registration. The City Collector shall be notified on a form provided by him of any liquidation or other disposition of a registered firearm.

11.1-11. Any person who has registered or attempted to register pursuant to this Chapter shall deliver to the Chicago Police Department every firearm owned or possessed by him, within 10 days after his receipt of notice that the City Collector has refused to register or has revoked registration because of a disqualified application or applicant.

11.1-12. The City Collector shall deliver to the Chicago Police Department and to the sheriff of Cook County, one of the completed duplicate application forms for every registration. The Chicago Police Department shall maintain an index of every application and registration which shall include the name and residence of every applicant, the descriptive data of every firearm, the dates of application and issuance, and the purpose for each registration.

11.1-13. Within 10 days after sale or discovery of theft or other disappearance of the registered firearm, the registrant shall report the fact of such sale, theft or disappearance to the Chicago Police Department and to the City Collector on a form provided by him.

11.1-14. For the purposes of this Chapter the term "firearm" means any weapon, by whatever

name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

11.1-15. Any person under 18 years of age, any narcotic addict, any person who has been convicted of a felony under the laws of this State or any other jurisdiction within 5 years from release from penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and any person who has been released from a mental institution or from the custody of the Illinois Youth Commission within the last 5 years, or is mentally retarded, and any person who possesses any firearm, the possession of which is prohibited by any State or Federal law relating to weapons or firearms, shall be ineligible to register pursuant to this Chapter. Any purported registration by any of the above-described persons shall be null and void.

11.1-16. A person may not possess or harbor any firearm, whether concealed or not concealed, if such person is ineligible to register such firearm with the licensing authority pursuant to the provisions of this Chapter.

The Municipal Code of the City of Chicago is hereby amended in Chapter 11.1 by inserting in Section 11.1-17 the language appearing in *italics* below and striking out language set out in brackets below:

11.1-17. Any person who violates any of the sections of this Chapter shall *[be fined \$500.00.] upon conviction thereof be punished by a fine of not less than \$100.00 nor more than \$500.00 for the first offense and not less than \$300.00 nor more than \$500.00 for the second offense and shall be punished as a misdemeanor for each subsequent offense by incarceration in the county jail for a term not to exceed six months under procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code (Ill. Rev. Stat. 1969, ch. 24, par. 1-2-1.1) as amended, or by both fine and imprisonment. (as amended January 27, 1971)*

SECTION 2. This ordinance shall be in full force and effect from and after ten days after its passage and due publication.

## APPENDIX 2

## Illinois owners identification law and application.

STATE OF ILLINOIS DEPARTMENT OF LAW ENFORCEMENT Bureau of Identification Firearm Owner's Identification FEE \$5.00		ILLINOIS DEPARTMENT OF LAW ENFORCEMENT Firearm Owner's Identification	
		EXPIRES NUMBER	
		PRINT LAST NAME FIRST MIDDLE	DATE OF BIRTH
		MO. DAY YR.	
1. Enter F.O.I. Number. (If none, write "None")		RESIDENCE STREET ADDRESS	
2. Enter Social Security Number. (If none, write "None")		CITY OR TOWN COUNTY ZIP CODE	
3. Enter Drivers License Number. (If none, write "None")		SEX HEIGHT WEIGHT COLOR HAIR COLOR EYES	
4. Enter any other name you are or have been known by.		CAUTION: This card does not permit bearer to unlawfully carry or use firearms.	
ALL APPLICANTS MUST SHOW WRITTEN SIGNATURE →		WRITTEN SIGNATURE	
All applicants must answer questions 5 through 9 "yes" or "no." Applicants under age 21 must answer questions 10 and 11 "yes" or "no."			
5. Have you been convicted of a felony under the laws of this State or any other jurisdiction within the past 5 years?			
6. Have you been confined to a penitentiary within the past 5 years?			
7. Have you been a patient in a mental institution within the past 5 years?			
8. Are you addicted to narcotics?			
9. Are you mentally retarded?			
Applicants under 21 must answer Questions 10 and 11 and obtain written signature of parent.			
10. Have you been convicted of a misdemeanor other than a traffic violation? (See Note #1 on back)			
11. Have you been adjudged delinquent? (See Note #1 on back)			
I hereby give my consent for this applicant to possess firearms and firearm ammunition in accordance with the law and state I am not a person prohibited from holding a Firearm Owners Identification Card.			
SIGNATURE OF PARENT OR GUARDIAN (SEE NOTE #2 ON BACK)		RELATIONSHIP	
I hereby solemnly swear (sincerely affirm) that the information contained in this application is true to the best of my knowledge.			
ALL APPLICANTS MUST SHOW WRITTEN SIGNATURE →		WRITTEN SIGNATURE	
		Subscribed and sworn before me this _____ day of _____, 19____	
		NOTARY PUBLIC	
(SEAL)		NOTARY'S ADDRESS	

## INSTRUCTIONS

1. Submit complete, notarized application, photograph and \$5.00 check or money order. The law allows 30 days to process the application and issue the identification card.
2. Fill in all required information and answer all questions. Do not write in space marked "Expires" or "Number."
3. Type application or print legibly with black or dark blue ink. Incorrect or incomplete applications are unacceptable and will be returned to the applicant.
4. Submit a recent clear black and white head and shoulder photograph approximately 1½" by 1½" in size. Print name on back.
5. Sign application on front of form in two places indicated by red arrows. Both notary public signature and seal must appear on the application.
6. Attach photograph and remittance on application with paper clip. Make remittance payable to Firearm Owners Identification.
7. Mail to: Firearm Owners Identification  
1035 Outer Park Drive West  
Springfield, Illinois 62704

## NOTES

1. If answer to either Questions 10 or 11 are "Yes" send letter of explanation or copies of official records covering the misdemeanor incident. Our interest is dates, charges, conviction, penalty and Court of jurisdiction.
2. Sponsor signing as sponsor must be 21 years of age and must furnish date of birth to verify.

## FOR OFFICE USE ONLY

APPLICANT: DO NOT WRITE IN THESE SPACES

•	•	•	•	•	•	•	•	•	•
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**ILLINOIS FIREARM OWNERS  
IDENTIFICATION LAW  
(CHAPTER 38, SECTION 83)**

**This folder includes the text of the Firearm Owners Identification law passed by the 75th General Assembly and approved August 3, 1967 by the Governor with an effective date of July 1, 1968. The Legislature created the Firearm Owners Identification Section within the Department of Law Enforcement to administer the law.**

**For further information regarding the Firearm Owners Identification Law, please write to:**

**BUREAU OF IDENTIFICATION  
Firearm Owners Identification  
Department of Law Enforcement  
1035 Outer Park Drive West  
Springfield, Illinois 62704**



**Herbert D. Brown, Director  
Department of Law Enforcement**

**Gary D. McAlvey, Superintendent  
Bureau of Identification**

**FOID-7.2**

**Printed by Authority of State of Illinois**

**ILLINOIS FIREARM OWNERS  
IDENTIFICATION LAW  
(Chapter 38, Section 83)**

AN ACT relating to the acquisition, possession and transfer of firearms and firearm ammunition, to provide a penalty for the violation thereof and to make an appropriation in connection therewith.

*Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:*

**83—1. Legislative declaration.)** Sec. 1. It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety and welfare of the public, it is necessary and in the public interest to provide a system of identifying persons who are not qualified to acquire or possess firearms and firearm ammunition within the State of Illinois by the establishment of a system of Firearm Owner's Identification Cards, thereby establishing a practical and workable system by which law enforcement authorities will be afforded an opportunity to identify those persons who are prohibited by Section 24—3.1 of the "Criminal Code of 1961", as amended, from acquiring or possessing firearms and firearm ammunition.

**83—1.1 Definitions.)** Sec. 1.1 For purposes of this Act:

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter;

(2) any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of Law Enforcement finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm Ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

**83—2. Requisites for acquisition or possession-Exempted persons or entities.)** Sec. 2. (a) No person may acquire or possess any firearm or any fire-

arm ammunition within this State without having in his possession a Firearm Owner's Identification Card previously issued in his name by the Department of Law Enforcement under the provisions of this Act.

(b) The provisions of this Section regarding the possession of firearms and firearm ammunition do not apply to:

(1) United State's Marshais, while engaged in the operation of their official duties;

(2) Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;

(3) Federal officials required to carry firearms, while engaged in the operation of their official duties;

(4) Law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties;

(5) Members of bona fide veterans organizations which receive firearms directly from the armed forces of the United States, while using such firearms for ceremonial purposes with blank ammunition.

(6) Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(7) Nonresidents while on a firing or shooting range recognized by the Department of Law Enforcement; however, such persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;

(8) Nonresidents, while at a firearm showing or display recognized by the Department of Law Enforcement; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(9) Nonresidents, whose firearms are unloaded and enclosed in a case; and

(10) Nonresidents, who are currently licensed or registered to possess a firearm in their resident state; and

(11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to such minor if such parent or legal guardian or other person in loco parentis to such minor has a currently valid Firearm Owner's Identification Card.

**83—3. Requisites for Transfer.)** Sec. 3. (a) No person within this State may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of Law Enforcement under the provisions of this Act.

(b) Any person within this State who transfers or causes to be transferred any firearm shall keep a record of such transfer for a period of 10 years from the date of transfer. Such record shall contain the date of the transfer; the description, serial number or other information identifying the firearm if

no serial number is available; and, if the transfer was completed within this State, the transferee's Firearm Owner's Identification Card number. On demand of a peace officer such transferor shall produce for inspection such record of transfer.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act.

**83—4. Application for Firearm Owners Identification Card.)** Sec. 4. (a) Each applicant for a Firearm Owner's Identification Card shall:

(1) Make application on blank forms prepared and furnished at convenient locations throughout the State by the Department of Law Enforcement; and

(2) Submit evidence under oath to the Department of Law Enforcement that:

(i) He is 21 years of age or over, or if he is under 21 years of age that he has the written consent of his parent or legal guardian to possess and acquire firearms and firearm ammunition and that he has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, provided, however, that such parent or legal guardian is not an individual prohibited from having a Firearm Owner's Identification Card and files an affidavit with the Department as prescribed by the Department stating that he is not an individual prohibited from having a Card:

(ii) He has never been convicted of a felony under the laws of this or any other jurisdiction within the prior 5 years and he has never been confined to a penitentiary within the prior 5 years;

(iii) He is not addicted to narcotics;

(iv) He has not been a patient in a mental institution within the past 5 years; and

(v) He is not mentally retarded.

(b) Upon such written consent, pursuant to Section 4, paragraph (a) (2) (i), the parent or legal guardian giving the consent shall be liable for any damages resulting from the applicant's use of firearms or firearm ammunition.

**83—5. Approval or denial of application.)** Sec. 5. The Department of Law Enforcement shall either approve or deny all applications within 30 days from the date they are received, and every applicant found qualified pursuant to Section 8 of this Act by the Department shall be entitled to a Firearm Owner's Identification Card upon the payment of a \$5 fee. \$3 of each fee derived from the issuance of Firearm Owner's Identification Cards, or renewals thereof, shall be deposited in the Game and Fish Fund in the State Treasury, and \$2 of such fee shall be deposited in the General Revenue Fund in the State Treasury.

**83—6. Contents of identification card.)** Sec. 6. A Firearm Owner's Identification Card, issued by the Department of Law Enforcement at such places as the Director of the Department shall specify, shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph and such other personal identifying information as may be required by the Director. Each Firearm



Owner's Identification Card must have printed on it the following: "CAUTION—This card does not permit bearer to UNLAWFULLY carry or use firearms"

An applicant who, by reason of membership in a religious group which teaches such conscientious objection, is conscientiously opposed to the reproduction of his image in photographic form and furnishes evidence of such membership and of his conscientious objection satisfactory to the Department of Law Enforcement, may be issued a Firearm Owner's Identification Card which includes in the space where the applicant's photograph usually appears the words "WAIVED"—Department of Law Enforcement."

**83—7. Duration of identification card.)** Sec. 7. Except as provided in Section 8 of this Act, a Firearm Owner's Identification Card issued under the provisions of this Act shall be valid for the person to whom it is issued for a period of 5 years from the date of issuance.

**83—8. Denial of application or revocation or seizure of card—Grounds.)** Sec. 8. The Department of Law Enforcement has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of this or any other jurisdiction within the prior 5 years or a person confined to a penitentiary within the prior 5 years;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental institution within the past 5 years; or

(f) A person who is mentally retarded.

**83—9. Denial of application or revocation or seizure of Card—Notice.)** Sec. 9. Every person whose application for a Firearm Owner's Identification Card is denied, and every holder of such a Card before his Card is revoked or seized, shall receive a written notice from the Department of Law Enforcement stating specifically the grounds upon which his application has been denied or upon which his Identification Card has been revoked.

**83—10. Appeal to director—Hearing.)** Sec. 10. (a) Whenever an application for a Firearm Owner's Identification Card is denied, whenever the Department fails to act on an application within 30 days of its receipt, or whenever such a Card is revoked or seized as provided for in Section 8 of this Act, the aggrieved party may appeal to the Director of the Department of Law Enforcement for a hearing upon such denial, revocation or seizure.

(b) Whenever, upon the receipt of such an appeal for a hearing, the Director is satisfied that substantial justice has not been done he may order a hearing to be held by the Department upon the denial or revocation.

**83-11. Judicial review.)** Sec. 11. All final administrative decisions of the Department under this Act shall be subject to judicial review under the provisions of the "Administrative Review Act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 1 of the "Administrative Review Act".

**83-12. Death of owner—Transfer.)** Sec. 12. The provisions of this Act shall not apply to the passing or transfer of any firearm or firearm ammunition upon the death of the owner thereof to his heir or legatee or to the passing or transfer of any firearm or firearm ammunition incident to any legal proceeding or action until 60 days after such passing or transfer.

**83-13. Acquisition or possession prohibited by law.)** Sec. 13. Nothing in this Act shall make lawful the acquisition or possession of firearms or firearm ammunition which is otherwise prohibited by law.

**83-13.1. Municipal ordinance imposing greater restrictions or limitations.)** Sec. 13.1. The provisions of any ordinance enacted by any municipality which requires registration or imposes greater restrictions or limitations on the acquisition, possession and transfer of firearms than are imposed by this Act, are not invalidated or affected by this Act.

**83-14. Penalties.)** Sec. 14. Any person who violates any of the provisions of this Act shall be fined not to exceed \$1,000 or imprisoned in a penal institution other than the penitentiary not to exceed one year, or both.

**83-15. Severability clause.)** Sec. 15. If any provision of this Act or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid application or provision, and to this end the provisions of this Act are declared to be severable.

**83-16. Transfer of records from Department of Public Safety to Department of Law Enforcement—Identification cards, validity—Rights—Powers and duties of Department.)** Sec. 15a. When this amendatory Act enacted by the Seventy-Sixth General Assembly takes effect the records of the Department of Public Safety relating to the administration of the Act amended shall be transferred to the Department of Law Enforcement. All Firearm Owner's Identification Cards issued by the Department of Public Safety shall be valid for the period for which they were issued unless revoked or seized in the manner provided in the Act amended. The Department of Law Enforcement as the successor to the Department of Public Safety shall have the rights, powers and duties provided in, and be subject to the provisions of sections 32, 33 and 34 of "The Civil Administrative Code of Illinois."

### APPENDIX 3

#### Additional statements for the record :

#### REPORT TO THE COMMITTEE ON THE JUDICIARY SUBCOMMITTEE ON CRIME BY THE NORTH AMERICAN HANDGUN ASSOCIATION

The North American Handgun Association thanks the committee for the opportunity to present our statement into evidence.

In 1968, specific laws were passed limiting the manufacture, importing, licensing and use of firearms. This act guaranteed jail sentences for those who use firearms in the act of a crime.

The Uniform Crime Report of 1968 indicates that the crime rate rose 122% from 1960 to 1968. The following charts were produced from these FBI reports.

#### MURDER

Year	Rate of increase by percent	Number of murders committed	Percent of murder with firearms
1968.....	+11.5	13,650	65
1969.....	+5.9	14,590	65
1970.....	+8.3	15,810	65
1971.....	+9.0	17,630	65
1972.....	+4.7	18,520	65

#### ASSAULT

Year	Percent of assaults committed with a firearm	Number of assaults	Rate of increase by percent
1968.....	23.1	282,400	+10.4
1969.....	23.8	306,420	+7.4
1970.....	24.3	329,940	+7.0
1971.....	25.1	364,600	+8.5
1972.....	25.3	388,650	+5.5

#### ROBBERY

Year	Percent of robbery committed with a firearm	Number of robberies	Rate of increase by percent
1968.....	60.3	261,730	+25.3
1969.....	61.5	297,580	+12.5
1970.....	63.3	348,380	+16.4
1971.....	65.3	385,910	+9.2
1972.....	69.5	374,560	-3.8

From these charts we see that, although the rate of increase dropped, the percent of firearm-related crimes remained unchanged. Another important point here is that the number of crimes steadily multiplied.

In our country today, there are many subversive groups bound on anarchism, i.e., SLA, SDS, Weathermen, etc. It is highly unlikely one of these groups would buy weapons from a legal source. Because of their nature, they encourage black

marketsteering of such illegal weapons as machineguns and hand grenades. These sources also supply a vast number of illegal weapons to individuals for use in planning crimes so they cannot be traced in the event they should drop the weapon fleeing from the scene of the crime.

Weapons used in street hold-ups can be either stolen or legal because the chances of getting caught in the act are much less, and even if apprehended it is difficult to prove criminal intent. Because of the ease of eluding prosecution by pleading to a lesser offense, many criminals feel that it doesn't make any difference whether the weapon is registered or not.

Initial registration thought was that persons would be less apt to commit a crime with a registered gun because it would be too easily traced.

Since the laws are so readily maneuvered by the courts to attain some type of conviction, all crime seems less offensive than it really is.

All that is achieved by registration is the government knows what non-criminals have guns. What possible use can this information be to our government if the criminal application has been unsuccessful?

Chicago is a good example of how registering individual guns has failed. According to the FBI, in 1974 Chicago's crime rate rose far beyond the national average.

In the event of confiscation, how would the government proceed to collect all the guns? There should be just compensation for each gun taken from a citizen. If there were 10 million guns in America, and the average gun cost was \$100.00, then the government would have to pay 1 billion dollars compensation. These figures are grossly conservative because there are 40 million handguns alone. In an economic recession, stifling a million dollar industry is a mistake and it is also a mistake to drain our federal budget of another 5 to 7 billion dollars.

Obviously confiscation would be without compensation to be economically practical. This presents a moral issue. Taking property from people who have no criminal affiliations is morally unjust. No government has the right to take personal property from its citizens, and the United States Constitution provides for this injustice. Article IV of the Bill of Rights states "The right of the people to be secure in their persons, house, papers, and effects, against *unreasonable* searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

This Article specifically states that unreasonable seizures shall not be violated. What is reasonable about taking away a personal effect from a person who is a law-abiding citizen? Where is the due cause? People can't be penalized for what they might do, only for what they did do.

Let us consider the guns that would be turned over. How many of them would come from the criminal and how many would come from honest citizens just obeying another law?

What will be done about all the unregistered guns in this country? Obviously a search of every home would be necessary to ensure the most complete confiscation. This is again a flagrant violation of the Fourth Article of the Bill of Rights.

We have given reasons why guns shouldn't be confiscated, and I'm sure the evidence clearly shows the implications. The North American Handgun Association would now like to give the main reason citizens are allowed to own firearms.

The Second Article of the Bill of Rights has been interpreted by some to mean that the authors only had a militia in mind when they gave the right to keep and bear arms to the people.

The Founding Fathers had a problem when they were preparing the Constitution. They had to organize States, who had pride in their individual freedom, into a working country without infuriating these States with unbounding federal powers. We must also keep in mind that the people themselves were extremely elated by the fact they had won a battle to gain their independence. The people put pressure on the governors of their States to ensure personal rights as well as State rights. Our Founding Fathers had this in mind when they prepared the Second Article of the Bill of Rights. The wording is plain and clear and kept people and State officials both happy. "A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." It doesn't say the right of the militia to keep and bear arms shall not be infringed. Every adult male was considered a part of the militia and a working militia no matter how well prepared could not cope with all the attacks that faced individual homes on

the frontier. Indians, bandits and countless natural beasts made owning a firearm a necessity. Our population grew and expanded West. The Indian tribes had different names as did the bandit gangs, yet the problems remained the same and the only cure was to protect yourself the best you could with a firearm until assistance came.

A transition was made from the Indian wars to the early 1900s. Gangs grew bigger and Indians vanished. Again a well regulated police force couldn't protect every citizen all the time. It took years to force organized crime into a remission of violence. All during this time, the only individual protection possible was people owning firearms and rising with the police against the gangs.

Along with a new set of neighborhood gangs, today's economic decline has caused more *individuals* to perpetrate crimes.

The police department does an exhausting job to keep up with the crime rate in our nation, yet as it was in 1700 still it is today, the police can't be in every home all the time.

The North American Handgun Association contends that our individual rights must still be protected individually in our own homes today as they were in the founding of our country.

Last year my own handgun probably saved my life and the life of my pregnant wife. A suspicious noise caused me to arm myself and investigate. As I soon found myself facing a charging knife-wielding intruder in my own residence. Being a good marksman, I put a bullet into his arm which stopped his attack. The police arrived and took him into custody and I later discovered he had escaped from jail.

We feel that blaming handguns for crime is putting the implement in place of the motive. Men committed crimes thousands of years before handguns were invented because motive is the reason for crime. If there were not motive, crime would not exist. The motive can be the same for many crimes, be they violent or not. Let us take more positive action toward crime. We need a program which will affect the larcenist as well as the murderer. Improving our penal institutions, from which 70% of our crime comes, would be a great step in crime control. Better education in our schools would instill good work attitudes. Let us give better examples to our country's young through efficient and honest government. In essence, let us move to eliminate the hunger and frustration plaguing our streets which give rise to crimes.

We will not accomplish anything by taking existing rights away. Instead, we must give of ourselves and face our problems honestly. The NAHA supports the people's right to own a gun and fight the criminal use of firearms.

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#### STATEMENT OF PETER T. JONES, AS SUBMITTED TO CONYERS' COMMITTEE

Mr. Chairman and members of the Subcommittee, I am pleased to have the privilege of appearing before you today to discuss the problems of handguns and efforts at controlling their distribution and use.

The horrifying increases in violence wrought by handguns in recent years make it imperative that effective controls be imposed upon this deadly menace.

Between 1966 and 1973 the number of homicides in cities over 250,000 in the United States rose from an annual figure of 5313 in 1966 to 10,964 in 1974. Handguns have played an increasingly important role in these homicides. The percentage of these homicides caused by handguns rose to 52 per cent in 1973, from 37 per cent in 1966.

In Chicago, more than half of the 970 homicides in 1974 were caused by handguns. These figures show that it is imperative that our government act to stem the tide of handgun violence.

In addition to the study of gun laws reported on by our Executive Director, the Chicago Crime Commission has examined the efforts in other states and of other locals to deal with the proliferation of handguns and the explosive increase in their use. We have concluded that in the open and mobile society of the United States today, state and local governments alone are simply not capable of enforcing effective measures to control the abuse of handguns. For example, New York City has very restrictive gun laws. However, a federal government study of 2048 handguns confiscated by New York City police reveals that only 5 per cent of those guns were originally sold in New York. All the rest were purchased out-of-state.

It should also be noted that the law of search and seizure, as it has been developed in the United States Supreme Court, makes it difficult for police to legally seize illegal firearms. If the possessor has not committed a crime or otherwise given the police good reason to suspect him of committing a crime, search and seizure laws make it about impossible to enforce gun laws which focus only on use. Thus, once a handgun is in circulation it is very hard to remove it. Because of the ease with which guns are transported across state lines, state and local laws are ineffective in keeping guns out.

If there is to be a satisfactory rate of progress in coping with the role of the handgun in the intolerable rise in violent crime and murder in our society, a defense against the proliferation of illegal handguns, the solution will have to include effective federal legislation and regulation. It is not yet clear precisely what form federal legislation should take. Clearly the Gun Control Act of 1968 and the resources provided for its enforcement are inadequate. Recent studies have demonstrated its ineffectiveness.

We are confident that some answers will emerge from the national dialogue which has begun on the subject which the Chicago Crime Commission is helping to foster. Certainly the hearings of this subcommittee by bringing together the best thinking on this subject around the country, will play an important role in the development of a system of handgun control which is effective and which will be adopted by the United States Congress.

The Chicago Crime Commission has underscored its concern for the problem by launching a two year initial effort to help solve it. Violent crime and the handgun will be the theme of Chicagoland Law Enforcement Week for 1975 and 1976.

Chicagoland Law Enforcement Week, sponsored annually by the Chicago Crime Commission in October, is the occasion for the business and professional community of Chicago to honor the men and women charged with fighting crime in Chicago and surrounding communities. The fine work performed by law enforcement personnel is publicly recognized, and citizens of Chicagoland are urged to obey the law and cooperate with law enforcement authorities.

This is the first year that there has been a substantive theme for the week. We think that handgun control is a most appropriate initial subject, a subject which will continue to be given high priority by the Chicago Crime Commission until effective results are forthcoming.

To aid us in this effort, we look forward to the participation in our Law Enforcement week activities of United States Senators Charles Percy and Adlai Stevenson III, Governor Daniel Walker, Mayor Richard J. Daley and many others.

Senator Edward Kennedy, who is one of the leading authorities in the United States Senate on violent crime and the handgun will be the speaker at the annual luncheon which is the highlight of Chicagoland Law Enforcement Week.

The Chicago Crime Commission is dedicated to finding a solution to the terrible problem of handgun violence. We are heartened by the activity of this Subcommittee. Let us hope that in the very near future the American political process will produce a solution to this terrible problem which plagues us all.

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#### ADDITIONAL REMARKS OF PETER T. JONES

On behalf of all the members of the CLEW Committee with its new theme and program for an effective national policy on handgun control, I want to congratulate this Subcommittee of the well-known and highly respected Judiciary Committee of the House of Representatives and especially this subcommittee's distinguished chairman, Congressman Conyers from Michigan and its two distinguished members, Congressmen McClory of Illinois and Ashbrook of Ohio, for launching here in Chicago an absolutely essential national inquiry and dialogue into the vital question of what national policy for effective handgun control will do the job, will end the explosive rise in murder and armed robbery of majority and minority, urbanite and suburbanite male and female citizens alike and the fear and counter fear and escalation of terror which accompanies this.

You have heard lots of testimony in the last two days. You have my written statement. So the key question is what is new that you have not heard? What is new that would be helpful to you in this idle endeavor?

The first new factor is that most people haven't a clue what the CLEW Committee is and the fact that this Committee may provide a clue to one effective method of participation by citizens and citizen organizations to assure the accomplishment of the goal of an effective national policy for handgun control.

In past years, the CLEW Committee was the committee which annually sponsored the Chicago Law Enforcement Week with the business and professional community of Chicago to honor the men and women charged with fighting crime in Chicago and its surrounding communities.

This year, the CLEW Committee is that, but also much more. This year is the first year that the CLEW Committee has adopted a specific substantive theme not only for the week but also for at least a two year major effort by the Crime Commission and other citizens and citizen organizations to find the solution to the terrible problem of handgun violence.

What is really new and news at this point in your hearings is which citizens and citizen organizations in just the past few weeks have accepted membership on the CLEW Committee for this year for the first time because of its new substantive theme of an effective national policy for handgun control.

Since the CLEW Committee has just begun to seek members, it's obviously still in formation. Yet even at this very early stage the list of some of metropolitan Chicago's leading organizations and citizens who have joined CLEW is a sign of the great importance Chicagoans in the City and suburbs alike attach to the handgun problem and the need for an effective solution. The rapidity and willingness to which these citizens have accepted membership on the CLEW Committee may also demonstrate that concerned citizen committees like it all over the country could be easily established and play a vital role in the establishment of an effective national policy.

For example, the CLEW Committee membership at this early stage not only includes a number of members of the Crime Commission and its Board of Directors who are prominent citizens in their own right, but also the following individuals:

Thomas R. Mulroy, past president of the Crime Commission; James Compton, executive director of the Chicago Urban League; Donna Schiller, president of the Illinois State League of Women Voters; Frank Zimring, professor of Law and Criminology at the Law School of the University of Chicago and one of the leading authorities in the country on the subject of handguns; James Hoge, editor of the Chicago Sun Times; and James Russell, legal assistant, NAACP.

Also Susan Sullivan, president of the Committee for Handgun Control, Inc.; Robert MacGregor, president of Chicago United—an organization of the chief executive officers of some of Chicago's most important corporations, banks, utilities and civic organizations, both majority and minority owned and operated; Leon Finney, executive director of the Wodlawn Organization; and Laura Fermi, president of the Civic Disarmament Committee for Handgun Control.

In addition to the above individuals from the private sector, the following persons from the public sector are also members of the CLEW Committee:

Harvey Johnson, Jr., director of the Department of Law Enforcement, State of Illinois; Marlin Johnson, president of the Police Board; James Rochford, superintendent of Police of the City of Chicago; Sam Nolan, deputy superintendent of Police of the City of Chicago; and Richard Elrod, sheriff of Cook County.

Since we are just beginning, I look forward to many more individuals involved with important civic and business organizations in the city and suburbs of Chicago also becoming members of this Committee in the near future.

It is our hope and expectation that with this kind of broad based citizen involvement in this kind of issue in metropolitan Chicago, most of them with an ongoing commitment to continue to work until an effective national policy for handgun control is an accomplished fact—the goal will indeed be accomplished.

When one looks at some of the statistics presented to you in the last two days including those in my own formal written statement, one sees the horrifying fact that from 1966 to 1974 whereas there was a 40% increase in non handgun killings, there was a 190% increase in handgun killings. The widespread availability of handguns and the problems of murder, armed robbery and terrorism

that accompany this phenomenon has now reached epidemic proportions. The Attorney General of the United States, a native of Chicago, with his national proposal earlier this month has launched an invitation to this Committee and the people of the United States to start thinking hard about the composition of a new national policy on handgun control. No suggestion should be treated as unthinkable. No suggestion should fail to be subjected to the most thorough scrutiny as to its effectiveness. We must have a national policy based on local, state and federal participation which is effective, fair and feasible. But the first test without which all will be in vain and terror and murder and robbery will only escalate, is that such national policy must be effective.



APPENDIX 4

Chicago Police Department

**MURDER  
ANALYSIS**

**1974**

**RICHARD J. DALEY  
MAYOR**

**JAMES M. ROCHFORD  
SUPERINTENDENT**

Crime statistics for 1974 reflect a record total of homicide incidents in the City of Chicago. These figures are commensurate with the number of homicides that occurred nationwide last year.

Of particular concern is the rise in murders by the use of firearms. The motives for these fatal acts run the gamut from family arguments to robbery; and the easy availability of firearms, especially handguns, was responsible for a large percentage of these crimes.

The following statistics are dramatic evidence of the criminal misuse of firearms during 1974:

970 murders - 669 (or 68.96%) by use of firearms.

490 murders - (50.51%) committed by use of handguns.

125 murder victims under age 21 killed by firearms.

156 robbery victims killed by firearms, with 41 robbery victims killed by other means.

370 (38.14%) persons involved in altercations were slain by firearms.

6 Police Officers were killed in the line of duty by handguns.

It is significant that 38.14% of the persons slain during an altercation lost their lives by firearms. The differences probably would have been settled with a less serious consequence if a firearm had not been accessible.

The loss of respect for a human life and these senseless killings are an outrage. Also, the traumatic effect upon survivors of homicide victims cannot be measured. I strongly urge every law-abiding citizen to voice their concern and support strong legislation that will remove these weapons of destruction from the hands of irresponsible people.

*James M. Rockford*  
Superintendent of Police

## MURDERS REPORTED &amp; CLEARED BY DISTRICT OF OCCURRENCE

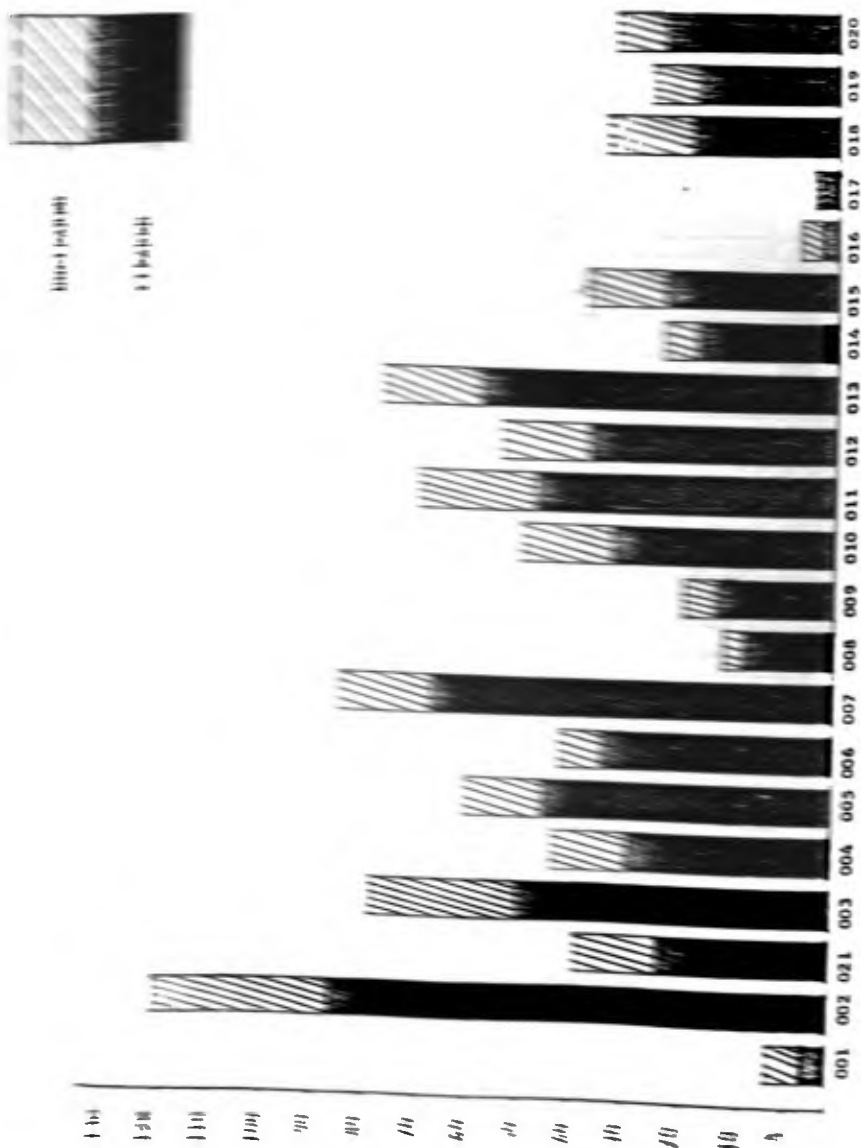
	REPORTED	CLEARED	UNCLEARED	PREV. YEARS MURDERS CLEARED IN 1974	INDEX *
<b>Area # 1 Loop to U of C.</b>					
1st District	7	3	4	2	** Not Comp
2nd District	121	87	34	3	82.9
21st District <i>Dyke</i>	40	25	15	1	39.9
AREA TOTAL	168	115	53	6	65.7
<b>Area # 2 Far SE + SW side</b>					
3rd District	80	51	29	7	57.2
4th District	45	31	14	1	25.3
5th District	63	47	16	4	32.2
6th District	44	36	8	0	24.4
AREA TOTAL	232	165	67	12	33.5
<b>Area # 3 SW (Brigman Pk etc. Englewood)</b>					
7th District	86	69	17	6	53.9
8th District	15	11	4	0	6.5
9th District	23	17	6	0	13.8
AREA TOTAL	124	97	27	6	22.3
<b>Area # 4 West side</b>					
10th District	53	35	18	6	34.1
11th District	73	50	23	4	56.1
12th District <i>City</i>	57	40	17	4	66.3
13th District	80	61	19	4	57.0
AREA TOTAL	263	186	77	18	51.4
<b>Area # 5 NW corner of city</b>					
14th District	27	21	6	3	15.9
15th District	41	27	14	6	20.9
16th District	6	3	3	2	2.7
17th District	4	3	1	1	2.3
AREA TOTAL	78	54	24	12	10.3
<b>Area # 6 North Side - NE</b>					
18th District	38	23	15	6	34.9
19th District	30	22	8	5	15.7
20th District	37	28	9	3	12.2
AREA TOTAL	105	73	32	14	17.4
<b>CITY WIDE TOTAL</b>	<b>970</b>	<b>690</b>	<b>280</b>	<b>68</b>	<b>28.8</b>

\* MURDERS PER 100,000 POPULATION

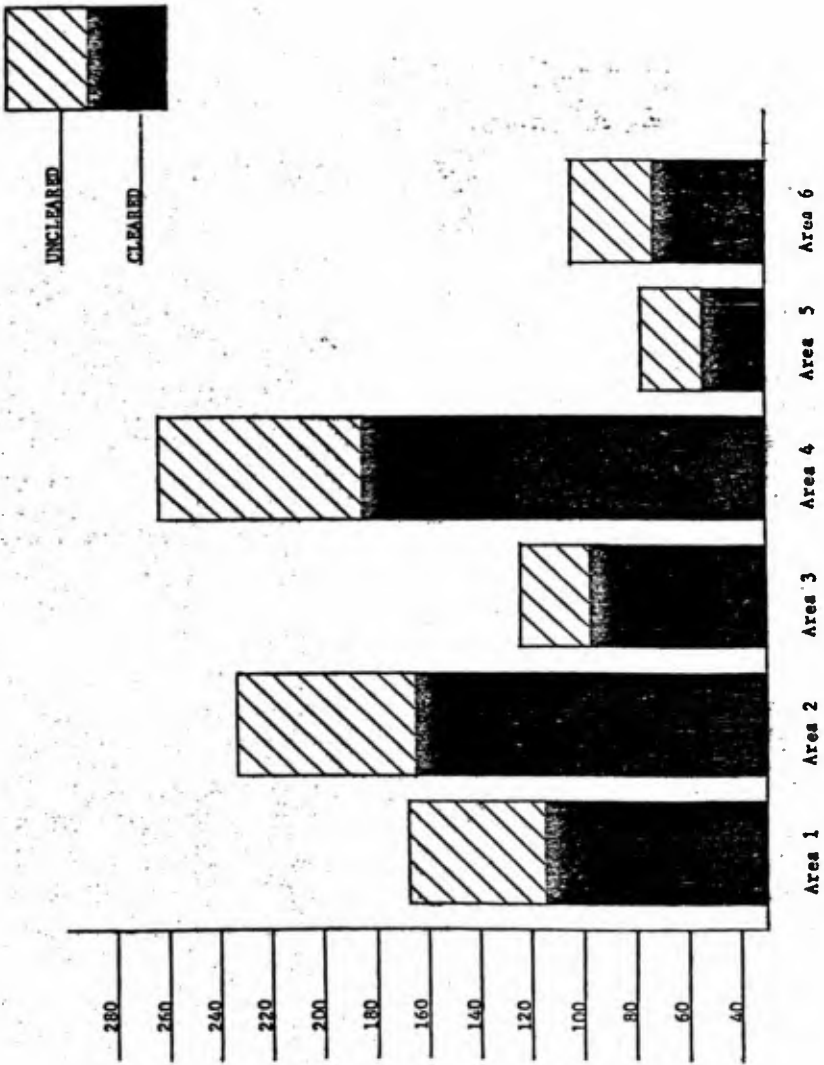
\*\* Not computed by district - included in area computation

District and area population figures, based on preliminary 1970 census tract counts are estimated.

Figure 1. The effect of the concentration of the solution on the rate of the reaction.



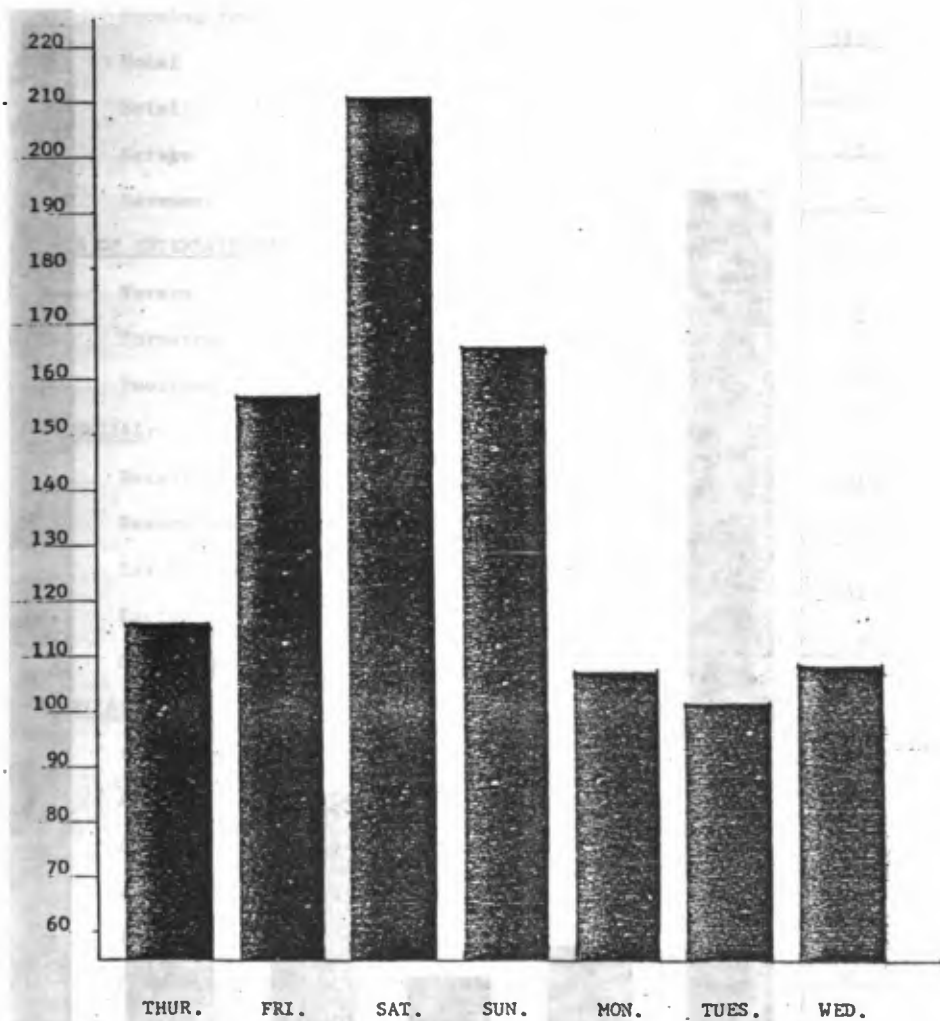
MURDERS REPORTED &amp; CLEARED BY AREA OF OCCURRENCE





## FREQUENCY OF MURDERS BY DAY OF THE WEEK

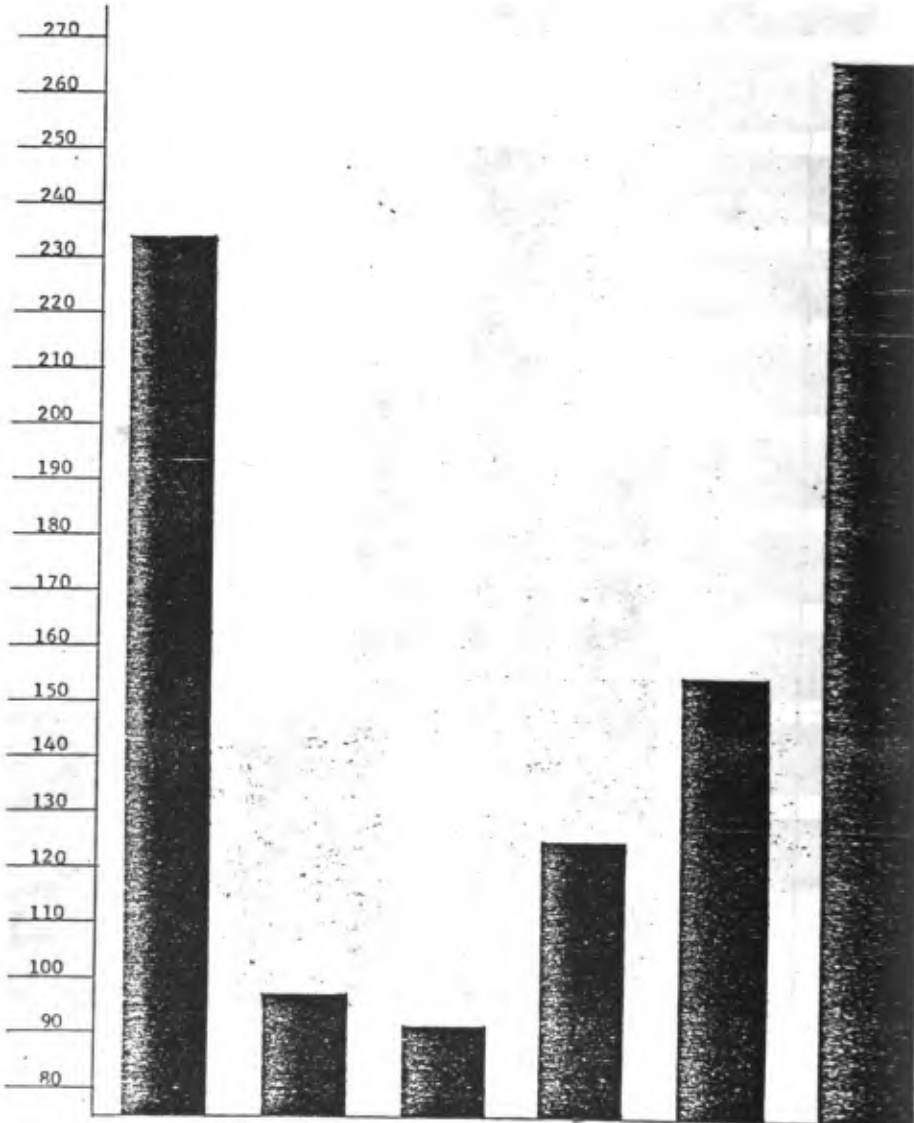
THURSDAY	116	(11.95%)
FRIDAY	158	(16.28%)
SATURDAY	211	(21.75%)
SUNDAY	166	(17.11%)
MONDAY	108	(11.13%)
TUESDAY	102	(10.51%)
WEDNESDAY	109	(11.23%)



: p. 6

## FREQUENCY OF MURDERS BY TIME OF DAY

0001 hours to 0400 hours	234	(24.12%)
0401 hours to 0800 hours	97	(10.00%)
0801 hours to 1200 hours	92	( 9.48%)
1201 hours to 1600 hours	125	(12.88%)
1601 hours to 2000 hours	155	(15.97%)
2001 hours to 2400 hours	267	(27.52%)





## LOCATIONS AT WHICH MURDERS OCCURRED

<u>"INSIDE"</u>		<u>524</u>	<u>"OUTSIDE"</u>		<u>445</u>
<u>RESIDENCE:</u>		<u>393</u>	<u>STREET:</u>		<u>264</u>
271	Apartment		<u>ALLEY:</u>		<u>43</u>
56	Hallway		<u>RESIDENCE AREA:</u>		<u>33</u>
38	House		6	Gangway	
1	Rooming House		19	Yard	
14	Hotel		8	Porch	
2	Motel		<u>AUTO:</u>		<u>34</u>
4	Garage		<u>VACANT LOT:</u>		<u>23</u>
7	Basement		<u>PARK:</u>		<u>11</u>
<u>PLACE OF ENTERTAINMENT:</u>		<u>63</u>	<u>PARKING LOT:</u>		<u>15</u>
60	Tavern		<u>TRANSPORTATION:</u>		<u>8</u>
1	Theatre		4	Taxi Cab	
2	Poolroom		2	Truck	
<u>COMMERCIAL:</u>		<u>59</u>	2	C.T.A. Properties	
22	Retail Stores		<u>SCHOOL YARD:</u>		<u>1</u>
8	Restaurant		<u>SCRAP YARD:</u>		<u>1</u>
10	Gas Station		<u>LAKE:</u>		<u>1</u>
3	Factory		<u>BEACH:</u>		<u>1</u>
16	Other Commercial		<u>RAILROAD YARD:</u>		<u>4</u>
<u>MISCELLANEOUS:</u>		<u>9</u>	<u>CHICAGO RIVER:</u>		<u>1</u>
2	Public School		<u>SWIMMING POOL:</u>		<u>1</u>
3	Abandoned Building				
1	Church				
1	Nursing Home				
1	Elevator				
1	Guard Shack				

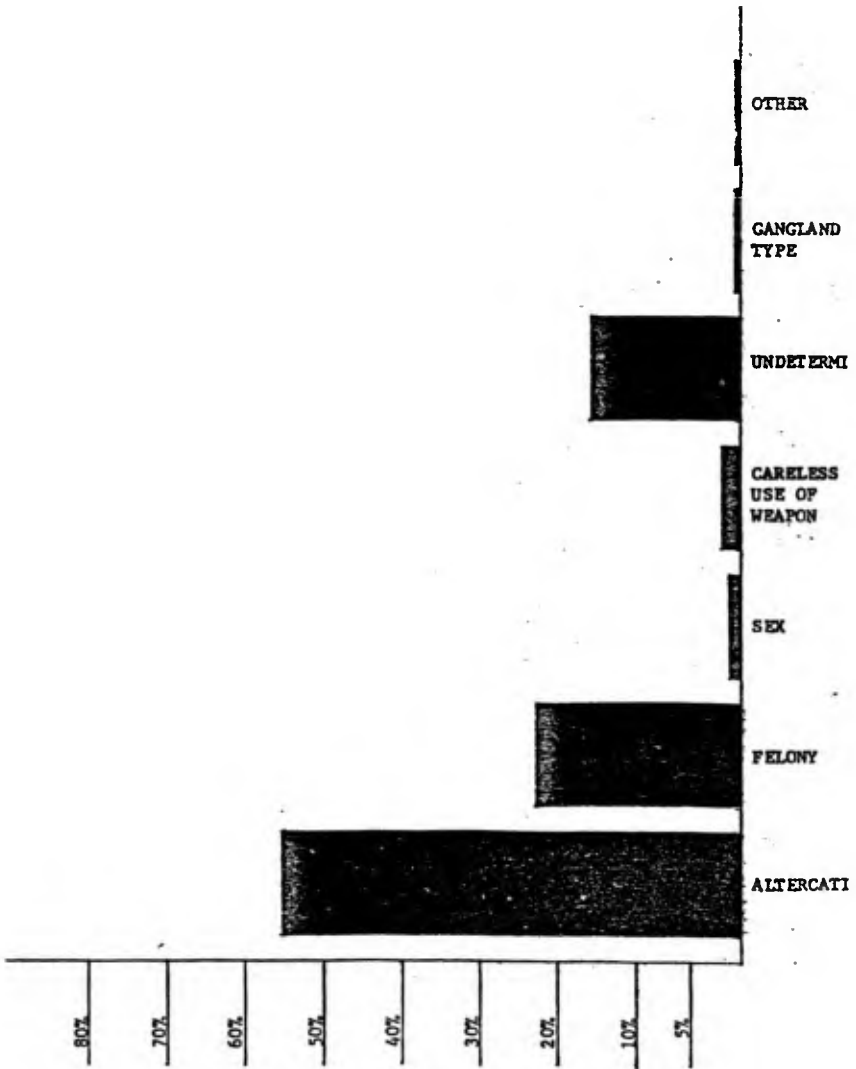
## CAUSATIVE FACTORS OF MURDERS

	<u>BY SHOOTING</u>	<u>BY STABBING</u>	<u>BY OTHER MEANS</u>	<u>TOTAL</u>
<u>ALTERCATIONS:</u>	<u>542</u>			
General Domestic	58	27	6	91
Money	38	13	8	59
Liquor	12	5	6	23
Sex	2	3	3	8
Teengang	33	0	0	33
Triangle	37	16	4	57
Racial	4	0	1	5
Children	1	0	0	1
Gambling	10	0	0	10
Traffic	5	0	1	6
Other	170	56	23	249
<u>ROBBERY:</u>	<u>210</u>			
Strong Arm	0	0	13	13
Armed	156	26	15	197
<u>BURGLARY:</u>	<u>7</u>	<u>1</u>	<u>1</u>	<u>7</u>
<u>SEX:</u>	<u>15</u>			
Perversion	0	1	0	1
Assault of Woman	1	3	10	14
<u>CARELESS USE OF WEAPONS:</u>	<u>20</u>	<u>0</u>	<u>0</u>	<u>20</u>
<u>UNDETERMINED:</u>	<u>162</u>	<u>26</u>	<u>25</u>	<u>162</u>
<u>GANGLAND TYPE:</u>	<u>7</u>			
Organized	2	0	0	2
Crim. of Victim*	5			
Robbery	1	0	0	1
Burglary	1	0	0	1
Narcotica	2	0	0	2
Counterfeiting	0	1	0	1
<u>OTHER:</u>	<u>7</u>			
Child Abuse	0	0	7	7
<u>TOTAL</u>	<u>669</u>	<u>178</u>	<u>123</u>	<u>970</u>

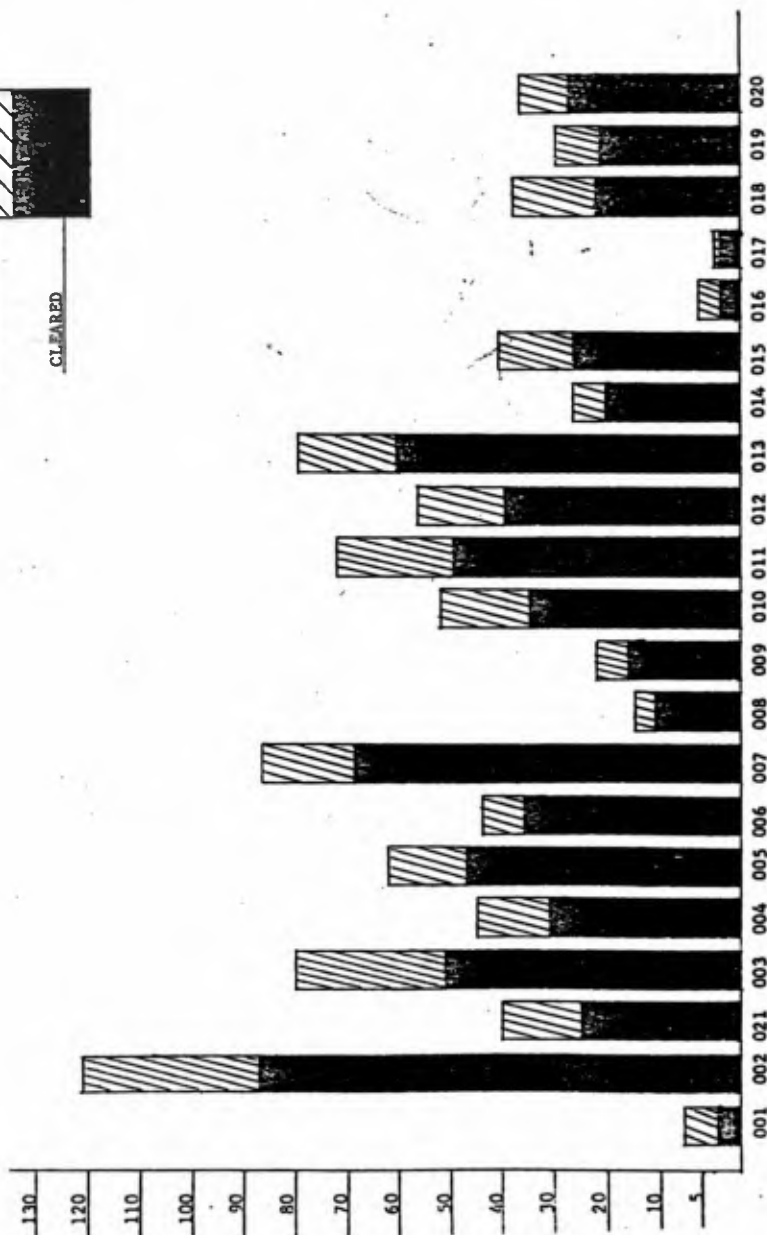
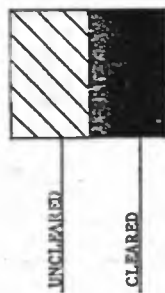
\*Murders in which a criminal is killed by an accomplice during the course of, or subsequent to the commission of a crime.

Intoxicants involved (Victim and/or offender) 295 (30.41%)

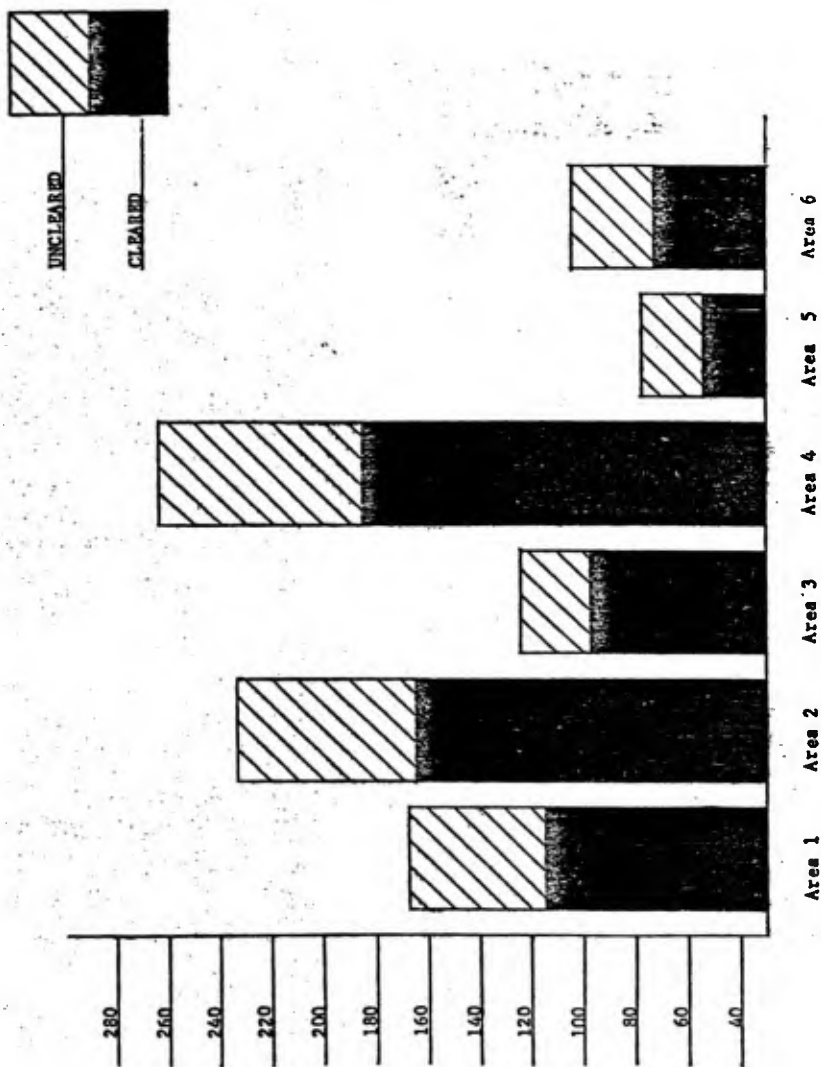
## CAUSATIVE FACTORS OF MURDERS



MURDERS REPORTED &amp; CLEARED BY DISTRICT OF OCCURRENCE.



## MURDERS REPORTED &amp; CLEARED BY AREA OF OCCURRENCE



## TYPES OF WEAPONS USED

GUNS:            669Revolvers:            366

2 - Unkn. Cal.  
 43 - 22 Cal.  
 89 - 32 Cal.  
 217 - 38 Cal.  
 12 - 357 Cal.  
 1 - 45 Cal.  
 2 - 44 Cal.

Automatics:            94

5 - 22 Cal.  
 40 - 25 Cal.  
 21 - 32 Cal.  
 4 - 38 Cal.  
 9 - 45 Cal.  
 8 - 380 Cal.  
 7 - 9 MM

Rifles:

12 - 22 Cal.  
 4 - 30 Cal.  
 1 - 30-30 Cal.  
 1 - 303 Cal.

Shotguns:            44

12 - Unknown Gauge  
 28 - 12 Gauge  
 2 - 20 Gauge  
 2 - 410 Gauge

Unknown Type Guns: 143

58 - Unknown Cal.  
 65 - 22 Cal.  
 12 - 32 Cal.  
 7 - 38 Cal.  
 1 - 25 Cal.

Derringers:

3 - 22 Cal.  
 1 - 38 Cal.

KNIVES:            (Types)            178

54 - Kitchen Type  
 91 - Unknown Type  
 14 - Pocket Type

9 - Hunting  
 2 - Other Type

5 - Boning  
 3 - Bowie

OTHER:            123

2 - Hammers  
 6 - Gasoline  
 3 - Baseball Bat  
 2 - Metal Pipe  
 1 - Wooden Board  
 2 - House Brick  
 1 - Strip of Cloth  
 1 - Electrical Cord  
 1 - Shoe  
 1 - Shoe String  
 2 - Table Leg

22 - (Bludgeoned) Type  
 Unknown  
 1 - Phone Cord  
 2 - Belt  
 2 - Auto  
 1 - Scarf  
 1 - Rock  
 2 - Piece of Concrete  
 1 - Tire Jack  
 1 - Pair of Pants  
 1 - Natural Gas

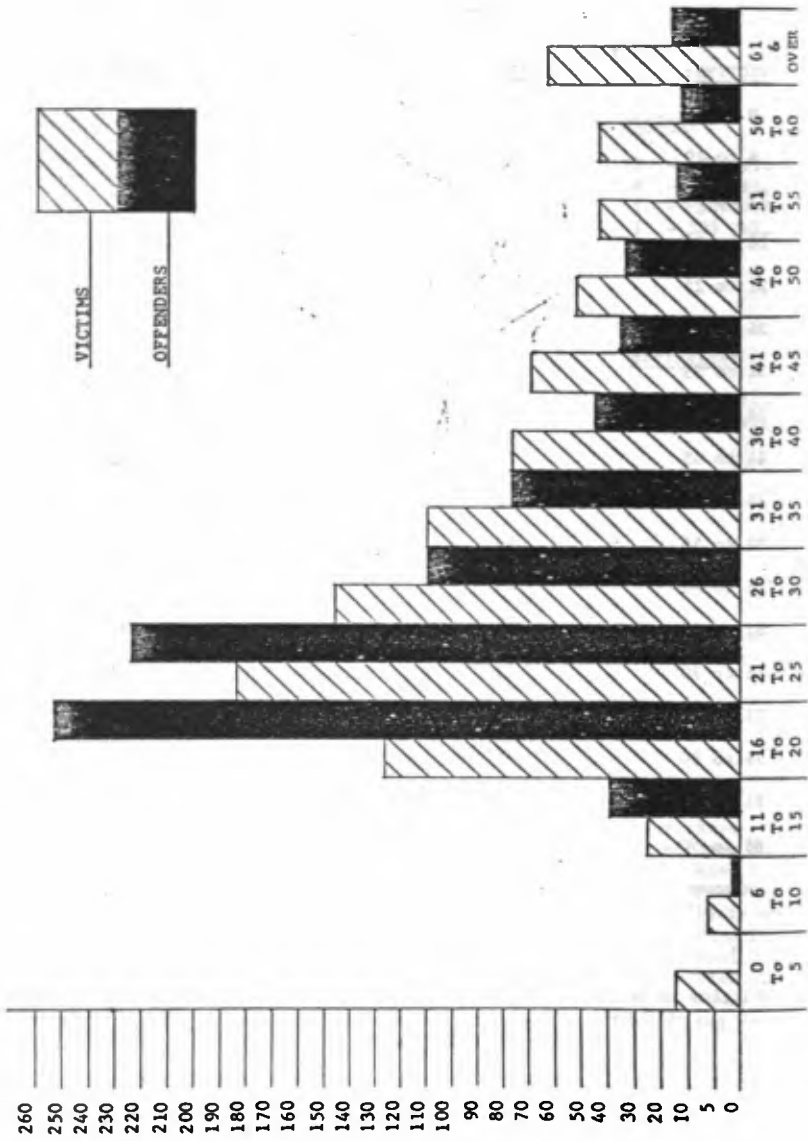
5 - Rope  
 2 - Jack Handle  
 1 - Wine Bottle  
 1 - Ash Tray  
 1 - Panty Hose  
 1 - Hand Tie  
 1 - Pool Cue  
 1 - Tree Limb  
 1 - Stock of Sh  
 1 - Lug Wrench

52 - Hands or Feet (includes strangulation)

## AGES OF VICTIMS AND OFFENDERS

<u>VICTIMS:</u>	<u>970</u>	<u>OFFENDERS:</u>
0 to 5	15	0 to 5
6 to 10	6	0 to 10
11 to 15	26	11 to 15
16 to 20	128	16 to 20
21 to 25	184	21 to 25
26 to 30	147	26 to 30
31 to 35	110	31 to 35
36 to 40	78	36 to 40
41 to 45	70	41 to 45
46 to 50	53	46 to 50
51 to 55	45	51 to 55
56 to 60	45	56 to 60
61 to 65	32	61 to 65
66 to 70	11	66 to 70
71 to 75	8	71 to 75
76 to 80	6	76 to 80
81 to 85	3	81 to 85
86 to 90	1	86 to 90
Unknown	2	Unknown
 Victims Under 21 (18.04%)	 175	 Offenders Under 21 (26.20%)

## AGES OF VICTIMS AND OFFENDERS





**MURDERS COMMITTED BY USE OF FIREARMS - ARRESTED  
OFFENDERS LESS THAN 21 YEARS OF AGE**

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>
Total number of homicides	552	647	715	810	824	711	864	1
Homicides committed by use of firearms	311	375	438	527	532	489	615	
Youths under 21 using firearms to commit homicide	95	115	211	271	244	198	197	
Number of homicides of youths under 21 by firearms	70	100	125	153	107	102	115	1

Comparison -  
Youths under 21  
using firearms to  
commit homicide

21% increase 1968 vs. 1967  
122% increase 1969 vs. 1967  
185% increase 1970 vs. 1967  
157% increase 1971 vs. 1967  
108% increase 1972 vs. 1967  
107% increase 1973 vs. 1967  
115% increase 1974 vs. 1967

115% increase homicides by use of firearms, all ages 1974 vs. 1967;  
contrasted to an 76% increase in homicides by all methods 1974 vs. 1967.

Breakdown by age group of youths involved in the commission of homicide by use of firearms

AGES	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>
Under 10	1	0	1	0	0	3	1	
11	0	0	0	0	0	1	0	
12	2	1	0	1	0	1	0	
13	3	3	2	1	3	2	3	
14	6	3	7	8	7	6	5	
15	8	11	20	35	23	23	20	1
16	12	13	19	48	51	33	36	2
17	22	29	37	50	56	30	40	3
18	15	21	42	55	28	42	41	4
19	16	22	41	34	40	28	27	4
20	<u>10</u>	<u>12</u>	<u>42</u>	<u>39</u>	<u>36</u>	<u>29</u>	<u>24</u>	<u>3</u>
	95	115	211	271	244	198	197	20

115 % increase in the number of youths less than 21 years of age involved in the commission of homicides by the use of firearms 1974 vs. 1967.

## RELATIONSHIP - VICTIM / OFFENDER

MARTIAL: 78

- 19 Husband / Wife (Legal)
- 26 Husband / Wife (Common-law)
- 17 Wife / Husband (legal)
- 16 Wife / Husband (Common-law)

BLOOD RELATIONSHIP: 23

- 6 Father / Son
- 3 Brother / Brother
- 2 Son / Father
- 3 Daughter / Father
- 2 Daughter / Mother
- 1 Granddaughter / Grandfather
- 2 Cousin / Cousin
- 1 Aunt / Nephew
- 2 Uncle / Nephew
- 1 Half Brother / Half

OTHER LEGAL RELATIONSHIP: 8

- 1 Son-in-law / Father-in-law
- 6 Brother-in-law / Brother-in-law
- 1 Brother-in-law / Sister-in-law

ROMANTIC RELATIONSHIP: 20

- 11 Boy Friend / Girlfriend
- 9 Girl Friend / Boy Friend

BUSINESS RELATIONSHIP 5

- 2 Janitor / Tenant
- 1 Tenant / Landlady
- 1 Employer / Employee
- 1 Co-worker

OTHER: 836

- 86 Friends
- 22 Neighbors
- 283 Some Acquaintanceship
- 216 Relationship Not Established
- 229 No Relationship

M/W - Male/White  
F/W - Female/White  
M/N - Male/Negro  
F/N - Female/Negro  
M/O - Male/Other

M/M - Male/Mexican  
F/M - Female/Mexican  
M/P.R. - Male/Puerto Rican  
F/P.R. - Female/Puerto Rican  
F/O - Female/Other

OFFENDERS												
	M W	F W	M N	F N	M M	F M	M P R	F P R	M Other	F Other	U N K.	
	54	2	32	1	5	0	12	0	1	0	48	
M/W	47	2	21	0	3	0	7	0	1	0	48	
	13	1	10	0	1	0	1	0	0	0	14	
F/W	13	1	7	0	1	0	1	0	0	0	14	
	3	1	420	79	3	0	0	0	0	1	140	
M/N	3	1	341	69	3	0	0	0	0	1	140	5
	0	0	91	14	0	0	0	0	0	0	28	
F/N	0	0	83	13	0	0	0	0	0	0	28	1
	15	1	3	0	36	1	6	1	3	0	14	
M/M	13	0	3	0	29	0	6	0	3	0	14	
	1	0	0	0	1	0	0	0	0	0	1	
F/M	1	0	0	0	1	0	0	0	0	0	1	
	10	1	10	1	1	0	22	1	0	0	5	
M/P.R	6	0	7	0	1	0	18	1	0	0	5	
	0	0	0	0	0	0	2	0	0	0	1	
F/P.R	0	0	0	0	0	0	2	0	0	0	1	
	1	0	2	1	0	0	0	0	1	0	4	
M/O	1	0	2	1	0	0	0	0	1	0	4	
	0	0	0	0	0	0	0	0	1	0	0	
F/O	0	0	0	0	0	0	0	0	1	0	0	
	97	6	568	96	47	1	43	2	6	1	255	
TOTAL	84	4	464	83	38	0	34	1	6	1	255	9

Figure in upper right diagonal indicates offenders while figure in lower left diagonal indicates victim. Offenders, by sex and race (or ethnic group) are shown in the horizontal while victims are similarly categorized in the vertical. EXAMPLE: To determine the number of Male/Negroes who murdered Female/Negroes, read across to M/N, then down F/N. The intersection square shows 91 in the upper right diagonal (offenders) and 83 in the lower left diagonal (victims). Totals appear at the end of each horizontal and vertical column and are read in the same manner. EXAMPLE: Reading horizontally from M/W (Male/White) the total indicates 155 in the upper right diagonal and 129 in the lower left. This is interpreted as 155 persons of all sexes and races murdered 129 Male/Whites. Reading vertically from M/W, the total indicates 97 in the upper right with 84 in the lower

MULTIPLE VICTIM / HOMICIDES

	<u>TOTAL MURDERS</u>	<u>DOUBLE</u>	<u>TRIPLE</u>	<u>QUADRUPLE</u>	<u>TOTAL # OF VICTIMS</u>	<u>% OF TOTAL MURDERS</u>	<u># OF VICTIMS SHOT</u>	<u>% OF VICTIMS SHOT</u>
1969	715	7	0	0	14	1.93%	12	85.71%
1970	810	9	1	0	21	2.59%	16	76.19%
1971	824	20	1	1	47	5.70%	31	65.95%
1972	711	14	4	0	40	5.62%	32	80.00%
1973	864	27	1	0	57	6.59%	49	85.96%
1974	970	26	5	1	71	7.31%	47	66.19%
<b>TOTALS</b>	<b>4,894</b>	<b>103</b>	<b>12</b>	<b>2</b>	<b>250</b>	<b>5.10%</b>	<b>187</b>	<b>74.80%</b>

## CRIMINAL HISTORIES OF VICTIMS AND OFFENDERS

	<u>VICTIM</u>	<u>OFFENDER</u>
Without Record	527 (54.32%)	336 (38.75%)
With Record	443 (45.67%)	531 (61.24%)
Correlated*	226 (51.01%)	353 (66.47%)
Not Correlated**	217 (48.98%)	178 (33.52%)
Unknown	...	255***
TOTAL	970	1,122

\*The criminal history of Victim/Offender was a factor in the homicide.

\*\*The criminal history of Victim/Offender was not a factor in the homicide.

\*\*\*Not considered in arriving at percentage figures.

## AGENCIES RESPONSIBLE FOR CLEARING OF HOMICIDES

Out of Town Jurisdiction	13	( 1.88%)
Patrol Division	303	(43.91%)
Criminal Investigation Division	348	(50.43%)
Cleared Exceptionally (Death of offender or bar to prosecution)	26	( 3.76%)

## IDENTIFICATION OF OFFENDERS

Offender at Scene	168	(24.34%)
Offender Not At Scene, But Identified Immediately	139	(20.14%)
Offender Identified Thru Investigation	383	(55.50%)
Admission By Offender	344	(49.85%)

## APPENDIX 5

THE UNIVERSITY OF CHICAGO,  
COMMITTEE ON GENERAL STUDIES IN THE HUMANITIES,  
Chicago, Ill., March 31, 1975.

Representative JOHN CONYERS,  
*Chairman, House Judiciary Subcommittee on Crime, House of Representatives,  
Washington, D.C.*

DEAR CHAIRMAN CONYERS: I'd like to add my voice in support of gun control legislation to that of the many citizens who feel very strongly about this subject. I would also like to suggest to you another argument in favor of gun control in addition to the many reasons which have been set forth in the various reports on violence and in the debates over national legislation on gun control.

I have recently completed a study of American popular culture, concentrating on our myths of violence as revealed in some of our most popular story forms such as the Western, the hard-boiled detective story, the gangster saga, etc. This study has indicated the existence of a great variety of myths of violence all focussing in one way or another on a central point: that morality, individual status, and the capacity for violence are deeply linked together. These myths, which have reflected and shaped American attitudes for over two centuries are, I think, one reason why so many Americans have opposed gun control so strongly. But the existence and power of these myths in our culture are to me one of the most compelling reasons why we desperately need an effective system of gun control. Because Americans tend to make a deep psychological association between morality and violence, individuals are more inclined to use guns in situations where their sense of right is involved than in other cultures. Because of this, we are subjected to a terrible toll of homicide resulting from individual quarrels and grievances which in the absence of fatal weapons could be resolved less destructively.

I would hope that with our increasing awareness of the destructiveness of individual violence that our mythic structure would gradually change and along with it, popular attitudes and the inclination to use guns on the slightest provocation. But myths are among the slowest things to change because they are so deeply ingrained in the structure of culture. Thus, it seems to me that our only hope to reverse the increasing tide of homicide is to control guns and ammunition through political and legal action.

I take the liberty of enclosing with this essay a copy of an article based on my studies in American myths of violence which I hope will offer some support to the cause of gun control legislation.

Respectfully yours,

JOHN G. CAWELTI,  
*Professor of English and Humanities.*

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[Reprinted from *Critical Inquiry*, March 1975, vol. 1, No. 3]

### MYTHS OF VIOLENCE IN AMERICAN POPULAR CULTURE

(By John G. Cawelti)

One of the "big issues" in the late 1960s, the question of violence in the mass media has been temporarily eclipsed by other problems such as "inflation." Actually public concern about the portrayal of violence and crime in the media rises and falls in a distinctive cycle. The agitation usually reaches its peak in a time of considerable social upheaval and in response to the emergence of a new popular genre centering on violence and crime. In connection with the general clamor, new scientific studies purport to show a definite causal connection between

violence in the media and criminal behavior. Moral pressure groups of various sorts pick the issue up and there is an outbreak of censorship episodes, prosecutions, and legislative inquiries. Finally, two developments usually lead to a lessening of tension and, for a time, the public agitation dies down. First, the medium under attack announces with great éclat a program of self-regulation which results at least temporarily in a reduction in the level of violent content or in a more conventionally acceptable mode of presentation of violent themes. Second, a further series of scientific inquiries are carried out which cast some doubt on the casual claims of the earlier studies and which suggest that the relationship between the media portrayal of violence and violent behavior is more complex than was thought and cannot be understood in terms of a simple cause-effect equation. These two developments tend to defuse the issue until it is raised in relation to a new generic development.

This cycle is clearly evident in the attack on the gangster film in the 1930s, the agitation about horror comics in the 1950s, and the concern with television violence in the 1960s.<sup>1</sup> Though the discussion is somewhat muted at the moment, it will doubtless break out again in response to new developments in the representation of violence. Like many big issues, such as corruption in government, about which the public becomes agitated from time to time, the discussion of media violence has been frustratingly repetitive in its cyclical character. The same issues are aired over and over again, while new versions of "expert" testimony lead to the same ambiguous conclusions as before. It seems to me that this is at least partly due to the way this "issue" has been formulated, and I would like to try to develop an approach to the problem of violence and literature that may enable us to gain some new insights into the significance of this complex phenomenon.

The chief difficulty with most social and psychological studies of violence lies in their assumption that violence is essentially a simple act of aggression that can be treated outside of a more complex moral and dramatic context. This may be the case with news reports of war, murder, assault, and other forms of violent crime, but it is certainly not a very adequate way to treat the fictional violence of a western, a detective story, or a gangster saga. It is true that one can count and catalog the number of violent acts that occur in a day or a week of television and produce distressing statistics about the number of murders and assaults per minute on the typical television show. One can, like the redoubtable Dr. Wertham, amass specific instances where a young person has imitated or thinks he has imitated an act of violence he saw on television, though we should not forget that it can also be said without much fear of contradiction that the literary work which has directly caused more violence in the history of Western civilization than any other is the Bible. One can also construct laboratory experiments in which various groups are shown short films of violent acts and demonstrate that in certain circumstances this experience will cause further aggressive behavior.<sup>2</sup> With procedures such as this, the evidence of a

<sup>1</sup> The most useful and provocative brief survey and critique of studies of media violence and their theoretical assumptions is André Gluckmann, *Violence on the Screen* (London, 1971). The 1930s agitation which focused particularly on the impact of the newly popular gangster films and which led eventually to a new formulation of the motion picture production code was accompanied by the first major studies of the impact of film, a series of investigations supported by the Payne Fund. These were reported in a number of books and summarized—quite inaccurately as Garth Jowett points out in a recent review of a reprint edition of the Payne Fund Studies—in H. J. Forman, *Our Movie Made Children* (New York, 1934). The Payne Fund studies and other early research into the impact of media violence were exhaustively and rather devastatingly criticized by Mortimer J. Adler in his *Art and Prudence* (New York, 1937), which remains the most solid philosophical study of the questions surrounding the moral and political impact of the arts. The attack on the crime and horror comic books in the 1950s, which led to the temporary elimination of the genre and a new comic code was most vividly mounted in the articles, books, and legislative testimony of the psychiatrist Dr. Fredric Wertham (see his *Seduction of the Innocent* [New York, 1954]). The most effective defense of the media and critique of research in that period was Joseph T. Klapper, *The Effects of Mass Communications* (New York, 1960). The execution of the crime and horror comics, like that of the gangster film, was shortlived. A number of elements of the genre went right on in *Mad* magazine and its imitators, while the full-scale panoply of the horror comics surfaced in the 1960s in the various underground comics and in slicker, more expensive comic publications like *Vampirella*. More recent investigations of the impact of violence can be found in Otto N. Larsen, ed., *Violence and the Mass Media* (New York, 1968); Leonard Berkowitz, *Aggression: A Social Psychological Analysis* (New York, 1962); and David M. Rein, "The Impact of Television Violence," *Journal of Popular Culture* 3, no. 4 (Spring 1974): 934-45, which reports on the extensive series of studies commissioned by the Office of the Surgeon General.

<sup>2</sup> This has been the approach commonly adopted by the most careful laboratory students of media violence, Bandura and Berkowitz. See the reports of their experiments in Berkowitz.



correlation between media violence and aggressive behavior becomes more and more persuasive. But do such studies tell us anything more than that this is a violent age and that there is probably some connection between the violence of actuality and the representation of violence in the media?

However, the degree to which people may imitate acts of violence or be stimulated to aggressive behavior of their own by an overdose of violent fantasy is only one dimension of the problem, for, in fictional works, acts of violence appear in a complex context established by generic conventions, cultural stereotypes, and the specific treatment of motive, act, and emotion, in the story in which the violence occurs. While it may be true that a certain proportion of the audience may be so disturbed or unsophisticated that they experience, say, the shootout in a western, as an isolated act of violence without a moral or dramatic context, this is surely a pathological extreme. I would assume, until there is persuasive evidence to the contrary, that most people experience their media violence in the moral and dramatic context provided by individual stories and by the generic conventions which underlie these stories. Unfortunately, only one experiment that I am familiar with dealt even tangentially with the extent to which children experienced violence in film in such a context and that experiment seemed to indicate that generic convention was a dominant part of the experience.<sup>3</sup> It seems clear to me that further inquiries into the significance of media violence must address themselves in a more complex way to this dimension of context in the fictional representation of violence, for it is from the patterns of context in which violence is portrayed that acts of aggression gain their meaning and significance.

American culture has long manifested a large public demand for books, films, and television programs in which violence plays a central role. Much as one can point to the indispensable place of violence in the whole history of literature from savage fighting Achaeans through murdering Macbeths, American writers and filmmakers have been exceptionally prolific in the invention of stories and even whole genres of violent action. From the end of the seventeenth century when early tales of Indian wars and captivity were among the first best-sellers, through the nineteenth-century fascination with bloody sagas of the western frontier and gothic thrillers about the cities, down to the violent gunfights, private eyes, gangsters and gangbusters of twentieth-century film and television, the American public has made its legends of violence a primary article of domestic consumption, and of export. So potent and pervasive have been these American images of violence that it is through them that Americans have been imaginatively known to much of the rest of the world.<sup>4</sup>

One puzzling thing is that, in spite of this penchant for imagined violence, Americans have traditionally thought of themselves as a nonviolent law-abiding people.<sup>5</sup> Our rhetoric of manifest destiny in the nineteenth century taught that America was the great redeemer nation bringing peace, democracy, and the rule of law to all the world. Though much of this rhetoric is obsolescent and even seems, to some, obscene, the basic belief in America's role as a peace-bringer still retains its hold, as can be seen from the way former President Nixon and his supporters tried to use the role of peacemaker for his justification. Indeed, the Watergate situation mirrors in microcosm the complex ambiguities which so often seem to characterize the American way of relating peace, violence, law, and crime. In trying to understand how Nixon and his aides were motivated, I find myself drawn to a paradoxical supposition about a deep-lying American attitude. Why were these burglaries carried out in the first place? Why, after their discovery, was the even more dangerous and far-reaching cover-up decided upon? While it is

<sup>3</sup> F. E. Emery, "Psychological Effects of the Western Films: A Study in Television Viewing; II. The Experimental Study," *Human Relations* 12 (1959): 215-32. Himmelweit et al. in *Television and the Child* (London, 1958) noted that children were less disturbed by violence in genres they were familiar with than in adult dramas, but did not systematically explore the effect of generic conventions.

<sup>4</sup> For the literary and cultural background, see Leslie Fiedler, *Love and Death in the American Novel* (New York, 1950); David Brion Davis, *Homicide in American Fiction, 1798-1860* (Ithaca, N.Y., 1957); Richard Slotkin, *Regeneration through Violence: The Mythology of the American Frontier, 1600-1860* (Middletown, Conn., 1973); W. M. Frohock, *The Novel of Violence in America* (Dallas, 1957); The New York Times, *To Establish Justice, to Insure Domestic Tranquility: The Final Report of the National Commission on the Causes and Prevention of Violence* (New York, 1970); John G. Caweltt, *The Six-Gun Mystique* (Bowling Green, Ohio, 1971).

<sup>5</sup> In a recent column in the *Chicago Sun-Times*, Vic Gold observed as so many have that "we, as a people are guilty of conducting a prime time love affair with crime and violence. In the daytime, we talk law-and-order morsels. But after hours, we take vicarious pleasure in lawlessness and violence."

possible that some specific set of motives may be revealed in the future, an air of irrationality hovers about the proceedings and I find it quite impossible to understand them except in the light of the assumption that these men believed that, in their crusade to bring peace and law to America and the world, a certain degree of violence and crime was not only permissible but morally necessary. Would a group of practical, experienced politicians have embarked on such a destructive and absurd course of action as Watergate and the cover-up unless they were somehow compelled by the feeling that the accomplishment of their goals necessitated such actions and that their dedication to law and peace was not sufficient or complete enough unless it was tested by their willingness to commit criminal and even violent actions in support of their crusade?

Of course, I may be completely wrong in imputing such motives to the president's men, but I think I am correct in saying that, on the evidence of a large body of our literature of violence and crime. Americans have a deep belief in the moral necessity of violence and that this belief accounts for the paradox of an ostensibly peace-loving and lawful people being so obsessed with violence. It also, I think, helps explain certain aspects of the actual character of violence in America, in particular that which grows from our inability to control the spread of firearms throughout our society. The gun is our prime symbol of moral violence. Until we can change the imaginative connection between possession of guns and the moral stature of the individual in our society, we will remain in the thrall of what I have called, in another essay, the six-gun mystique. Thus, a fuller understanding of the imaginative meaning of violence in our society is not only a matter of seeing how the portrayal of this theme in our media reflects certain fundamental cultural attitudes, but a necessary base for any serious attempts to change these attitudes. In this paper, I hope to make a tentative contribution to this analysis by examining more fully the theme of the moral necessity of violence in some of our most pervasive literary formulas.

The formulas I have in mind are those of the western, the hard-boiled detective story, the gangster saga, and the police melodrama. While these genres by no means encompass the totality of American popular culture, they are the popular genres in which crime and violence are the central themes.<sup>6</sup> Presumably the way in which these genres represent the world is sufficiently close to the public's sense of what is significant, interesting, and plausible to be satisfying as a fictional experience. We can hardly claim that these genres fully coincide with the public's attitudes, but they must present at least an acceptable picture of the world for the purposes of entertainment and escape. We can assume, then, as a preliminary hypothesis, that the themes which appear in all these popular genres are of compelling interest to their audiences. And of such themes, the most obvious and recurrent is that of the moral necessity of violence.

A few examples will clarify the general outline of this theme. In the highly popular western film *Shane* (1953), which was a fairly close adaptation of Jack Schaefer's novel (1949), the heroic protagonist is a gunslinger who rides out of a mysterious past into a newly settled Wyoming valley to find himself in the midst of a conflict between a group of homesteaders and the tyrannical old rancher who seeks to drive them out. Throughout the first part of the story, Shane attempts to escape from his violent past. He settles down on a farm with the Starrett family, hides his guns, and never speaks of his history. At first, he takes no part in the struggle between farmers and cattlemen. However, when the rancher's attempts to persuade the farmers to leave the range fail, and he turns toward violence, Shane is increasingly drawn into the conflict. The rancher hires a professional gunslinger, the notorious Stark Wilson, to help him drive the settlers out. Wilson tricks one of the farmers into drawing his gun and then shoots him down in cold blood. By this time it is evident that appeals to legal process

<sup>6</sup> I have been assisted in this discussion by the insights garnered from a variety of analytical comments on these popular genres. The bibliography on the western is fairly well covered in the bibliographies in Cawelti (n. 4 above) and in Jack Nachbar, ed., *Focus on the Western* (New York, 1974), and in Richard E. Rabin's *Indispensable Western American Literature: A Bibliography of Interpretive Books and Articles* (Vermillion, S.D., 1972). The hard-boiled detective story is particularly well analyzed in George Grella, "Murder and the Mean Streets," *Contemporary* 1 (March 1970): 6-15. For the gangster saga, I have been particularly dependent on two superb discussions: Robert Warshaw's essay on the gangster in *The Immediate Experience* (Garden City, N.Y., 1964), and Stuart M. Kaminsky, "Little Caesar and Its Role in the Gangster Film Genre," *Journal of Popular Film* 1, no. 3 (September 1972): 209-26. I have also learned a great deal about the gangster film from conversations with Kaminsky, who has a more detailed and insightful knowledge of this genre than any film scholar I am familiar with.

or morality cannot stop the rancher from driving the peaceful farmers out of the valley. Shane buckles on his guns, knocks out Joe Starrett to prevent him from facing the professional killer, and rides into town, where he shoots both Wilson and the villainous rancher. Shane's killings are presented in such a way that violence is not only seen to be inevitable in relation to the plot—since the rancher will not give up his open range except over his dead body—but morally right and even transcendent. In the novel, the young boy who narrates the story describes Shane's act in the following terms:

I would think of him in each of the moments that revealed him to me. I would think of him most vividly in that single flashing instant when he whirled to shoot Fletcher [the rancher] on the balcony at Grafton's saloon. I would see again the power and the grace of a coordinate force beautiful beyond comprehension. I would see the man and the weapon wedded in the one indivisible deadliness. I would see the man and the tool, a good man and a good tool, doing what had to be done. . . . I would see him there in the road, tall and terrible in the moonlight, going down to kill or be killed, and stopping to help a stumbling boy and to look out over the land, the lovely land, where that boy had a chance to live out his boyhood and grow straight inside as a man should.<sup>7</sup>

The combination of moral, aesthetic, and psychological values united in this passage is a striking formulation of the theme of the moral necessity of violence. Shane's killings are an essential precondition of the young boy's "chance to live out his boyhood and grow straight inside." But the act is not only morally justified in terms of its social end, it is a moment of beauty and power in its own right and one in which the hero becomes one with himself and his weapon, a moment of supreme fulfillment. As narrator Bobby Starrett observes earlier when he sees Shane buckle on his gun: "These were not things he was wearing or carrying. They were part of him, part of the man, of the full sum of the integrate force that was Shane. You could see now that for the first time this man who had been living with us, who was one of us, was complete, was himself in the final effect of his being."<sup>8</sup>

Another example from a different genre. Mike Hammer, the hardboiled private investigator of Mickey Spillane's widely popular, *I, the Jury* (1947) discovers that his best friend has been brutally murdered. His quest for the killer leads him to uncover a vicious drug racket operated by a beautiful, wealthy psychiatrist who uses her situation as a doctor to hook her patients on drugs and as a cover for her operation. This woman, the appropriately named Charlotte Manning, attempts to betray Mike by pretending to be in love with him. At the end of the story, after Mike has discovered her guilt, Charlotte tries to kill him. She seductively strips before him to distract his attention from a gun she has hidden. Instead, Mike waits for the climax of her striptease and shoots her himself. Here the killing of the evil one is obviously a matter of self-defense, vengeance, and the righteous execution of a vicious killer who endangers society. But the killing is given further moral overtones as an appropriate response to an immoral use of feminine sexuality for the purpose of betrayal. It becomes a purification of the obscene as well as the destruction of a killer. The moral necessity of this act of violence is so clear—at least to Mike—that when the dying Charlotte asks him how he could have shot her like this, he can reply, "It was easy."<sup>9</sup>

In *The Godfather* (1969), Mario Puzo treats violence in a more complex fashion, in part because he is not working in the tradition of heroic adventure which dominates the western and hard-boiled detective genres, but in the more morally ambiguous genre of the gangster saga. Nevertheless, the violent actions in which Michael Corleone becomes progressively involved are presented to us as moral necessities required by the endemic corruption and brutality of a fundamentally unjust society. Michael's first act of violence, the murder of police Captain McCluskey and his criminal associate Virgil Solluzzo, is an attempt to preserve the security of his own "family." However, it is also a just revenge for the attempted assassination of Michael's own "good" father and is further justified as an attack on criminal gangs who seek to enter the vicious drug traffic. Throughout the story, the Corleone family is presented to us in a morally sympathetic light, as basically good and decent people who have had to turn to crime in order to survive and prosper in a corrupt and unjust society. Even the climactic series of assassinations planned by Michael to destroy rival gang leaders

<sup>7</sup> Jack Schaefer, *Shane* (New York, 1950), p. 118.

<sup>8</sup> *Ibid.*, p. 101.

<sup>9</sup> Mickey Spillane, *I, the Jury* (New York, n.d.), p. 174.

and consolidate his own power are presented to us in conjunction with a complex of moral and religious symbols; in the end, Michael Corleone stands out like Shane as a man who has achieved complete self-integration by sacrificing himself to violence for the sake of the peace and prosperity of those he loves and feels responsible for.

Finally, to bring ourselves up to the immediate present, there is Michael Winner's recent film *Death Wish* (1974) which might be characterized as a modern urban western. In this story, a successful New York real estate planner of liberal inclination, who abhors violence to the degree that he served as a conscientious objector in the Korean war, becomes a one-man vigilante force when his wife is beaten to death and his daughter driven into psychosis by a gang of muggers. When he is given a pistol by a business associate from Arizona, our hero goes for an evening stroll in the park and is accosted by a mugger, whom he shoots. Though his initial reaction is horror (he rushes home and vomits in the toilet), he soon overcomes his squeamishness and embarks on a one-man crusade to destroy the rampaging muggers who seem to be everywhere in Fun City. In this particular film, there is no question about our basic sympathy and moral support for our hero's killings. It is clear that the society is overrun by vicious barbarians in the form of nasty-looking thugs against whom the law is utterly helpless. To drive the point home our hero reminds his grieving son-in-law that the pioneers would never have allowed things to come to this point and that it is perhaps time for Americans to become pioneers again. As to the good social consequences of our hero's crusade, we are told that not long after the actions of "the vigilante" had made the headlines, the rate of mugging in New York City sank drastically. Even the police turn out to be sympathetic to the hero. When the police inspector in charge of the investigation discovers the vigilante's identity, he only insists that the hero leave town and move to another city. At the end of the film, we leave our hero in Chicago obviously ready to continue his crusade there.<sup>10</sup>

This narrative pattern—a protagonist placed in a situation where some form of violence or criminality becomes a moral necessity—is one of the basic archetypes of American literature. It is certainly an important element in Cooper's Leatherstocking Saga, whose hero inspired D. H. Lawrence to his well-known observation that "there you have the myth of the essential white America. All the other stuff, the love, the democracy, the floundering into inst, is a sort of by-play. The essential American soul is hard, isolate, stoic, and a killer."<sup>11</sup> Some scholars, like Richard Slotkin, have traced this pattern back as far as the very beginnings of the American imagination in the seventeenth century. It comes down to us today in a relatively unbroken tradition through the followers of Cooper, like Robert Montgomery Bird, into the dime novel, back into the adult novel in the late nineteenth- and early twentieth-century western adventures of writers like Owen Wister, Emerson Hough, and Zane Grey, and from thence into the uncountable twentieth-century books, films, and television serials involving gunfighters, private detectives, gangsters, and policemen.

But observing the pervasiveness of the story pattern of morally necessary violence does not carry us very far into an understanding of the imaginative significance of all these shootouts and heroic killings. Indeed, the treatment of heroic violence as morally justified has been an almost inevitable accompaniment of stories of heroic adventure since the epics of Homer. To have a truly splendid hero we must have a man who faces the ultimate challenge of life and death and emerges triumphant. And if the hero becomes involved in violence, his action must be justified in some sense, if only because it is performed by a hero. It is perhaps interesting to raise the question as to why American culture has seemed to need so many different sorts of adventurous heroes and to wonder whether this penchant for adventurous heroics is a more or less universal constant in human nature or whether some cultures tend to turn more dominantly to this heroic archetype, but such a complex inquiry exceeds the limits of my knowledge at the present. Instead, I want to look into the more specific sorts of interpretations given to the pattern of morally necessary violence in American popular media. How, in other words, do American stories of violence tend to justify the culminating acts of violence? As I see it, these justifications are typically built into the stories themselves in the

<sup>10</sup> *Death Wish* is a more sophisticated version of a genre which might be called the enforcer saga. This genre has gained great contemporary popularity in the form of pulp paperback series like "The Destroyer," "The Executioner," "The Butcher," "The Enforcer," etc., which can be seen in large quantity at any paperback bookstore.

<sup>11</sup> D. H. Lawrence, *Studies in Classic American Literature* (New York, 1951), pp. 71-72.

form of patterns of circumstances and choice which enforce upon the hero the necessity of acts of violence. There are, I think, at least five of these patterns which I shall refer to as the "myths of violence."<sup>12</sup> They are to some extent interrelated, and while some stories emphasize only one of these myths, it is more typically the case that two or more will be involved in the development of any given story.

# 1. THE MYTH OF "CRIME DOES NOT PAY," OR "AS YE SOW, SO SHALL YE REAP"

In the more overtly moralistic 1930s, such explicit statements as these used to appear at the beginning and ending of such gangster films as *Little Caesar* (1931), *Public Enemy* (1931), and *Scarface* (1932). This myth reflects one of the oldest and simplest human conceptions of justice, the *lex talionis* or "eye for an eye" principle of retaliation which most civilized societies have rejected. However, there is something profoundly satisfying and morally neat about this kind of justice which has made it flourish in the area of popular literature. There, unlike life, the circumstances can be manipulated to insure a moral and poetic equivalence between the criminal act and the hero's vengeance. To some degree, this myth is embodied in most examples of the literature of violence, particularly in those forms which are especially designed for the younger and the less sophisticated portions of the public. For example, *lex talionis* is perhaps the dominant moral principle which informs the writings of Mickey Spillane, the most broadly read of hard-boiled detective writers, while the more sophisticated private-eye adventures of Dashiell Hammett and Raymond Chandler are usually critical of this myth of justification, even if some of the satisfaction to be derived from their stories comes from our seeing the criminal meet an appropriately violent end. We might speculate that the presence of this myth in most of our stories of violence reflects a deep underlying commitment to a primitive sense of justice latent in all of us under the veneer of civilization and close the surface in those who face the most frustration and powerlessness in their actual lives, the young and the poor. In any case, this hypothesis might merit empirical testing by examining the attitudes of audiences and inquiring into the comparative patterns of distribution of films and books which place the most immediate stress on this particular myth.

However, even in the case of the relatively simple and straightforward myth of "Crime does not pay," we encounter a further complexity. While this myth does provide an obvious moral justification for the killing of gangsters or murderers by G-men, detectives, or policemen, it becomes more ambiguous in films where the gangsters themselves are clearly the protagonists as in the three early 1930s films mentioned above. Here, "Crime does not pay" was an official motto, a bit of publicly acceptable moralism. The actual sympathies of the audience were probably as much with the gangster who initiated the violence as with the lawman who retaliated against it.

The same ambivalence is reflected in the popular genre which embodies the myth of "Crime does not pay" in its simplest, most abstract form—the saga of the superhero. Tales of caped crusaders, supermen, and Lone Rangers have in common their portrayal of an inevitable nemesis or transcendent force which automatically responds to criminal activity with perfect justice. The hero's own violence tends to be somewhat muted in these stories. Superheroes rarely kill the criminals they overcome; instead they knock them out and turn them over to the police, or, like the Lone Ranger, they shoot the gun out of the villain's hand with silver bullets or some other mystical weapon and then call the sheriff. For all his dazzling capacities, marvelous weapons, and fantastic disguises, the superhero is a transcendent agent of society. In fact, in his other identity, he is generally some respectable member of that society. As superhero, he gains no personal advantage or satisfaction from his heroic deeds beyond his basic and automatic concern to make justice prevail. Thus, he is purely reactive, a symbolic embodiment of the general principle that the criminal is certain to meet his nemesis. No wonder that in such stories the villains are often more interesting,

<sup>12</sup> Terminology is a constant difficulty in the discussion of patterns of the sort I am considering in this essay. What does one call them? In terms of conventional critical usage one could probably substitute the term "theme" for the term "myth" in almost every case that I use it. I am troubled by the vagueness and the manifold variety of significations of the term "myth," but "theme" is even worse in this respect since it can evidently be applied to anything in a literary work that the critic thinks significant. At a minimum I think the term "myth" implies a story of some sort, however brief and fragmented, that possesses exemplary and explanatory value. It also implies a pattern common to a number of works and presumably broadly significant in the culture. Thus I have chosen to call the patterns of action which justify or explain the moral necessity of the hero's violence "myths."

various, and enjoyable. As in the classic gangster film, I am inclined to believe that in superhero stories we secretly root for the villain. The official conventionality of the myth and the certainty of the superhero's ultimate triumph enable us to delight in the villain's criminality without having to worry about its consequences since the criminal's defeat is inevitable.

## 2. THE MYTH OF THE VIGILANTE

Where the myth of "Crime does not pay" emphasizes the evil deeds of the antagonist, the admirable motives of the hero's violence and the inevitability of the process through which bad acts of violence beget retaliation, the myth of the vigilante dwells on the weaknesses and corruption of society. In this myth the hero is typically reluctant to use violence. Only after it has become absolutely clear to him that the legally constituted processes of society cannot bring about justice does he step in and take the law into his own hands. Sometimes the hero's family or friends become victims of an act of criminal violence which the law is unable to avenge. When it becomes evident that the police, the courts, and society in general cannot either protect the innocent or avenge acts of criminal violence, then the vigilante must himself become the law. Since he is only an individual (or a small group without legal authority), his only possible means of securing justice is counterviolence. With no court but his own judgment, his only choices are either to destroy the antagonist or let him go. Since failure to destroy the villain will only free him for further evil deeds—the community being either helpless or in some way supportive of the criminal—the hero must confront and destroy the criminals through violence, usually a considerable skill with guns.

Unlike the superhero in the myth of "Crime does not pay," the vigilante does kill. Probably to satisfy our thirst for vengeance against the evildoer and our feeling of frustration at the weakness and corruption of society in general, his violence is dramatically climatic. It either represents an escalation of the villain's acts of violence or it is performed with some striking skill or style. In *Death Wish*, one recent embodiment of the myth of the vigilante, the hero, played by Charles Bronson, develops a distinctive style of cool and humorous nonchalance in his style of dispatching the villains. In *Dirty Harry*, another recent film, Clint Eastwood plays a police officer who rejects the legal process in order to destroy a maniacal killer who menaces many lives, yet cannot be brought to book by regular police procedures. In this film the principle of dramatic climax is one of escalation. In the first phase of his extralegal attack, the vigilante hero beats the killer to a bloody pulp to make him confess. Then when he is released from jail on the basis of legal technicalities and returns to his maniacally violent ways, the hero tracks him down and shoots him in a lavishly brutal scene. The western *High Noon* (1952) was a much more complex elaboration of the vigilante myth. The hero, persuaded to retire from his post as sheriff by his new Quaker wife, discovers, as he is about to depart on his honeymoon, that a vicious killer he had sent to prison has been released and is about to arrive in town with his gang in order to kill the sheriff and wreak vengeance on the town. Advised to run away, the sheriff decides that it is his obligation as a man to face up to the situation. He asks for support from the community, but out of cowardice, weakness, and corruption, the townspeople leave him to face the outlaws alone. The dramatic climax comes when, after killing most of the gang, he is about to be shot by the one survivor; his pacifist wife, in a sudden burst of action, shoots the villain in the back.

The myth of the vigilante is often traced to the actual social phenomenon of vigilantism in the nineteenth- and early twentieth-century South and West. Yet, there is a distinctive difference. Vigilantism was invariably a collective phenomenon, the result of mob action or of organizations like the Klan and the quasi-legal vigilante committees of some early western communities. These organizations or mobs, tacitly supported by the community, were frequently directed against an unpopular minority and were as often the expression of racial or social prejudice as they were directed against criminal violence. In the myth of the vigilante, however, the hero is generally an isolated individual who must cope with the weakness and corruption of the community as well as the violence of criminals and outlaws. Moreover, the vigilante myth appears to be more characteristic of twentieth- than of nineteenth-century stories of violence. While there are elements of the vigilante myth in later nineteenth-century dime novels, these stories were more characteristically focused around such superhero characters as Buffalo Bill and Deadwood Dick and therefore constitute forms of the "Crime does not pay" myth. The first major adult version of the vigilante myth I am familiar with is



Owen Wister's *The Virginian* (1902).<sup>12</sup> But in recent years, the vigilante myth has seemingly become the most pervasive pattern of the literature of violence. It dominates contemporary urban action films, both black and white, and pervades many recent westerns and gangster films. *The Godfather*, for example, can be seen as a particularly complex form of the vigilante myth, with the Corleones taking the law in their own hands to establish justice in the face of a totally corrupt and unjust social order.

Both novel and film begin with a group of people appealing to the Godfather for justice which has been denied to them by social prejudice, by government inflexibility, or by the corruption of men of power. The Don uses his extralegal power, based on his willingness and ability to use violence, in order to accomplish justice for these petitioners whom society would deny. Later in the book, Michael kills a police captain to avenge an attempt on his father's life, because the police are themselves corrupted allies of his enemies. In every case, the Corleone family brings order and justice to decent people, and punishes evildoers society is unable to deal with. When the family moves its headquarters into an outlying area,

Long Beach became the most crime-free town in the United States. Professional stickup artists and strong-arms received one warning not to ply their trade in the town. They were allowed one offense. When they committed a second they simply disappeared. The flimflam home-improvement gyp artists, the door-to-door con men were politely warned that they were not welcome in Long Beach. Those confident con men who disregarded the warning were beaten within an inch of their lives. Resident young punks who had no respect for law and proper authority were advised in the most fatherly fashion to run away from home. Long Beach became a model city.<sup>14</sup>

This is perhaps the ultimate fantasy embodied in the myth of the vigilante: the use of individually controlled violence to create the ideal suburb. In such an expression, the vigilante myth perhaps comes closer to reality than is entirely comfortable, for the unrestrained use of personal and community security forces has always played a significant role in protecting the American upper classes in their walled-off estates and housing developments. In a sense, *The Godfather* projects a democratization of this sort of power by self-constituted vigilantes.

### 3. THE MYTH OF EQUALITY THROUGH VIOLENCE

This myth centers around stories of how lower or lower-middle class individuals use their skills in violence to achieve a level of equality with persons of established wealth and power. In *The Godfather*, the account of the early life of Don Vito Corleone is organized around this myth, for it is a tale of how an Italian immigrant, despised and exploited by those above him in the social structure, used his willingness to engage in acts of violence to win a position of equality and even superiority in the society.<sup>15</sup> Many of our gangster stories portray the gangster's rapid rise from obscure poverty to power and affluence as an obvious variation on the Alger story, the protagonist's technique of success being not pluck and luck but his free and easy manner with a .45 or submachine gun.<sup>16</sup> Equality through violence is also an important pattern in hard-boiled detective stories. The private eyes of Dashiell Hammett and Raymond Chandler, though men of relatively low social status, prove in the course of their adventures that they are more than equal to the corrupt men of wealth and high status whom they usually encounter in the course of their adventures. Curiously, this does not appear to be a particularly significant myth in recent westerns, though many earlier tales, like Wister's *The Virginian* or W.S. Hart's *The Return of Draw Egan*, present heroes who rise from low status to positions of leadership in society through their skills in violence.

<sup>12</sup> In *The Virginian* vigilantism is not only a major element in the dramatic action but is explicitly rationalized and defended as an important American moral and political tradition: "When your ordinary citizen sees . . . that he has placed justice in a dead hand, he must take justice back into his own hands where it was once at the beginning of all things. Call this primitive, if you will. But so far from being a defiance of the law, it is an assertion of it—the fundamental assertion of self-governing men, upon whom our whole social fabric is based" (Owen Wister, *The Virginian* [New York, 1956], p. 314). Wister's spokesman, Judge Henry, sharply differentiates between this western vigilantism and southern racial lynching, which he condemns.

<sup>13</sup> Mario Puzo, *The Godfather* (New York, 1970), pp. 227–28.

<sup>14</sup> For a brilliant account of this myth as an aspect of American organized crime, see Daniel Bell, "Crime as an American Way of Life," in *The End of Ideology* (Glencoe, Ill. 1960), pp. 115–36.

<sup>15</sup> Lawrence Alloway, *Violent America: The Movies, 1946–1964* (New York, 1971).

The myth of equality through violence is closely related to the conception of America as a frontier society where violent confrontations are part of the ordinary course of life. This is a pervasive vision in our popular literature and films, whether set in the Wild West or the jungle of the modern city. In the western, attacks by Indians or outlaws are an everyday occurrence, just as in the city of contemporary police, detective, and gangster stories, the threat of criminal violence is the dominant characteristic of life. In such a setting, violence is normative rather than exceptional, and the hero who can use it for just and valuable purposes is inevitably a leading citizen. But, in this context, the mere achieving of equality or status is rarely treated as a sufficient justification for the hero's violence. More importantly the hero's action is seen either in terms of the myth of the vigilante, which we have already discussed or that of the hard-boiled hero and his code.

#### 4. THE MYTH OF THE HARD-BOILED HERO AND HIS CODE

For the hard-boiled hero, violence is a test of honor and integrity, a means of proving an individual code of morality which transcends both the law and the conventional morality of society. He is prepared to risk his life in man-to-man confrontations with the criminal, but it is also significant that he uses his violent abilities with extreme moral restraint. The classic western shootout is one key symbolic dramatization of the hero's responsibility to a rigorous moral code in his use of violence. The shootout usually occurs only after the most extreme provocation by the antagonist, and it is a ritual ceremony in which the hero waits for his opponent to draw first and then with the most extraordinary grace and discipline pulls his own gun and sends a bullet through another dastardly heart. The hero's controlled and restrained demeanor under pressure and his adherence to the ritual structure of the shootout are external signs of the inner discipline and moral integrity he gains from his absolute obedience to the Code. Though the Code is an unwritten law, engraved only on the hearts of its adherents, it is, nevertheless, a stringent set of moral rules concerning, above all, the proper uses of individual violence. The Code assumes that neither written law nor the conventional standards of society are adequate guides to moral conduct. True morality can be judged only by a man who is prepared to face extreme situations of violence with trust in his own individual judgment backed up by a willingness to place his life on the line at the proper moment. The tough private investigator and the heroic policeman are both usually presented as being deeply concerned with the moral conditions of their acts of violence. A substantial part of their special toughguy heroism results from their willingness to bend or break the law when it seems right to them to do so. The hard-boiled detective is often shown in conflict with a legalistic police officer who insists on following the letter of the law, but is incapable of stopping unrestrained criminal violence. In contrast, the heroic policeman is more often than not a maverick who finds that to preserve law and order he must step outside the constitutional limits. The justification for his rejection of legally constituted process is the individual's superior moral concern and judgment. The hard-boiled hero's acts do not derive from an undisciplined delight in violence or from a willingness to use violence for personal ends of wealth and power. This is the immoral mode of criminal and outlaw. The hard-boiled hero's violence must be accomplished in such a way as to prove the validity and propriety of his personal code. He is a curious sort of crusader who wanders through the endemic criminality, violence, and corruption of the frontier West or the urban jungle attempting not so much to save society as to preserve the honor and integrity of his character. As Raymond Chandler eloquently expressed this myth:

"Down these mean streets a man must go who is not himself mean, who is neither tarnished nor afraid. The detective in this kind of story must be such a man. He is the hero, he is everything. He must be a complete man and a common man and yet an unusual man. He must be, to use a rather weathered phrase, a man of honor, by instinct, by inevitability, without thought of it, and certainly without saying it.<sup>17</sup> He must be the best man in his world and a good enough man for any world. I do not care much about his private life; he is neither a eunuch nor a satyr; I think he might seduce a duchess and I am quite sure he would not spoil a virgin; if he is a man of honor in one thing, he is that in all things. He is a relatively poor man, or he would not be a detective at all. He is a common

<sup>17</sup> This is perhaps the essence of the hard-boiled ideal: a man of complete morality who never needs to assert it in words, who can even act like a crook without any question of his honor arising.



man or he would not go among common people. He has a sense of character, or he would not know his job. He will take no man's money dishonestly and no man's insolence without a due and dispassionate revenge. He is a lonely man and his pride is that you will treat him as a proud man or be very sorry you ever saw him."<sup>18</sup>

Or as Robert Warshow puts it:

"What [the western hero] defends, at bottom, is the purity of his own image—in fact his honor. This is what makes him invulnerable. When the gangster is killed his whole life is shown to have been a mistake, but the image the Westerner seeks to maintain can be presented as clearly in defeat as in victory: he fights not for advantage and not for the right, but to state what he is, and he must live in a world which permits that statement. The Westerner is the last gentleman, and the movies which over and over tell his story are probably the last art form in which the concept of honor retains its strength."<sup>19</sup>

In this myth, the justification of moral violence derives from its treatment as a necessary act of purification and regeneration. A classic example in relatively pure form is W. S. Hart's movie *Hell's Hinges* (1916). In this film, a young minister and his beautiful sister arrive from the East in the frontier town of Hell's Hinges. Here, a small group of decent pioneers have established a church to oppose the town's unrestrained outlawry and sensuality, centering around the saloon operated by villainous "Silk" Miller. The young minister is weak, however, and is easily seduced by a dance hall girl in Miller's entourage. Inspired by this victory over the forces of God, the saloon crowd marches upon the church, determined to burn it to the ground and drive out the good pioneers. However, the area's most courageous gunfighter, Blaze Tracey, has fallen in love with the minister's sister and in the process has converted to religion. Outraged at the course of events, Tracey singlehandedly constitutes himself an angel of vengeance and purification and, in the film's climactic moments, he attacks the saloon and purges it with fire. Out of the burning ashes of Hell's Hinges, the nucleus of a new, moral community marches forth led by Tracey and the minister's sister, now fully united in Christian love.

In a superb recent book, *Regeneration through Violence*, Richard Slotkin traces this myth from what he argues are its origins in seventeenth-century Puritan Indian captivity and war narratives down through its complex elaboration in the nineteenth-century figure of Daniel Boone, the frontier hunter, and the many literary characters inspired by his legend, most notably Cooper's Leatherstocking. As Slotkin see it, the myth of regeneration through violence grew out of the deep conflicts and ambivalences which Americans felt as they underwent the "initiation into a new world and new life that is at the core of the American experience."<sup>20</sup> These conflicts grew out of a confrontation between Christian English and Indian cultures "that embodied two distinctly different phases of mythological evolution, two conflicting modes of perception, two antagonistic visions of the nature and destiny of man and the natural wilderness."<sup>21</sup> In the imaginative elaboration of the confrontation between settler, Indian, and wilderness, there emerged two basic mythical patterns, both of which tended toward a resolution through violence. The first myth, Slotkin argues, was that of the captive, a story of the white Christian captured, tormented, and tempted by Indians. The captive's faith was tested by this challenge and he then destroyed the diabolical Indians and returned regenerated to the Christian community. The violence in this myth, Slotkin feels, was related to the settler's imaginative tendency to project onto the Indians his own latent desires for freedom, sensuality, and escape from the spiritual rigors of the Christian community. Thus, in the myth of the captive, the ultimate rescue and destruction of the Indians are also symbolically a destruction of the captive's own feared desires for lawlessness and the lascivious freedom of the wilderness.

However, the appeal of the wilderness and the fascination of the Indian way of life were strong enough that a second myth developed which presented a symbolic union between the white man and the wilderness. This was the myth of the hunter in which, through the tracking and killing of an animal (or an Indian), the hunter entered into the spirit of the wilderness and was reborn. In this version of the myth the violence of the hunt "is an initiation and a conver-

<sup>18</sup> Raymond Chandler, "The Simple Art of Murder," quoted in Howard Haycraft (ed.), *The Art of the Mystery Story* (New York, n.d.), p. 237.

<sup>19</sup> Warshow, p. 84.

<sup>20</sup> Slotkin, p. 179.

<sup>21</sup> Ibid., p. 25.

sion in which [the hero] achieves communion with the powers that rule the universe beyond the frontiers and acquires a new moral character, a new set of powers or gifts, a new identity."<sup>22</sup> This myth was elaborated, according to Slotkin, in the variety of legends and stories which grew up around Daniel Boone and was then given significant literary expression in Cooper's Leatherstocking series. It is also, Slotkin feels, the myth which underlies the more complex and profound explorations of Thoreau's *Walden* and Melville's *Moby Dick*.

Yet as Slotkin sees it, the myth of the hunter was rarely expressed without ambivalence for it contained tendencies which, from the point of view of the Puritan tradition, were morally dangerous: "the hunter in achieving his quest, runs grave moral risks. He has broken the family circle by his own act. He becomes partly assimilated to the world whose ways he is learning, the world of the Indian; and he may partake so much of the flesh of wild, hunted things that he becomes like them. Or he may so delight in the exercise of his newly acquired skills and powers that his pursuit of them becomes a calling or profession, an activity that he regards as self-justifying or as a substitute for civil religion."<sup>23</sup>

Slotkin sees the myth of the Code as one imaginative means of allaying the fear that the hunter's wilderness will subvert and destroy civilized morality. Another mythical means of insuring that the hunter does not give way to wilderness urges us to place his actions in juxtaposition with the captivity myth, as Cooper did with his Leatherstocking:

"Participation in the captivity myth alters [the hero's] relationship to the wilderness. For the sake of the captive and the values of society and Christianity which she represents, the hunter must exterminate the Indians who have taught him his skill and establish a safe refuge for the captive by opening the wilderness to settlement. He may not merge his identity with the wilderness so far that he is truly of it. Hence his acquisition of the powers of the wilderness creatures has disastrous consequences: he will use those powers, not to sustain the wilderness world, but to destroy it in the name of something higher."<sup>24</sup>

Though Slotkin does not carry his analysis of the myth of regeneration through violence down to the present day, it is clear that it continues to inform the popular tradition of the western at least as recently as *Shane* and John Ford's *The Searchers* (1956). In *Shane* the hero's return to his role as heroic gunfighter is clearly represented as an act of revitalization and redemption in which, through an act of violence, the hero saves the captive homesteaders and becomes one with himself. In a different way, in *The Searchers*, an epic hunt for a girl captured by the Indians leads the two heroes to become more and more like the Indians they pursue until, in the culminating battle, the Indian chief is destroyed and the captive restored to the Christian community. Whether this myth in a somewhat different form also plays a major role in other contemporary genres of violence, such as the hard-boiled detective story and the gangster saga, will require further inquiry. It is possible that the myth of regeneration through violence constitutes, as Slotkin would argue, the basic American way of dealing imaginatively with violence and that the other myths we have analyzed can be seen as versions of it. Certainly the myth of the hard-boiled hero and his Code has many points of connection with the archetype of regeneration through violence. However, I am inclined to think that the myth of the vigilante has separate sources and significance. In any case, this should be one line of further investigation.

I am not at all sure whether the five myths of violence I have discussed in this paper constitute a complete anatomy of the moral and dramatic contexts in which violence is treated in our various popular genres. As we set out to analyze the presentation of violence using more complex and specific methods such as those I have tried to follow in this paper, we shall doubtless have to add further categories and to redefine some of the myths I have treated here. In addition, where I have focused my attention on the protagonist's violence and the various story lines which serve to justify it morally, we will also need to examine the antagonist's violence to see whether it reflects the same mythical patterns or implies something else. But this is certainly enough to show that violence in popular culture is not simply a mindless representation of aggression which can be understood in simple quantitative terms. Further empirical and historical studies must take into consideration the variety and complexity of the mythical patterns involved in the representation of violence in popular culture, or they will continue to oversimplify this complex phenomenon to the point that conclusions about

<sup>22</sup> Ibid., p. 551.

<sup>23</sup> Ibid., p. 552.

<sup>24</sup> Ibid., pp. 552-53.

the causal effect and significance of media violence will be as open to doubt as they have been in the past.

At the moment, such an analysis raises more questions than it answers, but that is appropriate to the early stages of a meaningful cultural inquiry. The definition of different myths of violence suggests a variety of provocative lines of inquiry which should give us much fuller insight into the role of fantasies of violence in American and other cultures. What are the relationships between different myths of violence? Do different cultures tend to stress different myths in their presentation of fictional violence?<sup>28</sup> Are there certain subcultures which seem to prefer one myth over another? Are the different myths of violence equally distributed throughout the culture or are some more dominant than others? Does each culture have a basic myth of violence of which there are many different variations, or are there differing myths which reflect conflicting patterns of value? Are there differences in the distribution of these myths over time? For example, could it be that the myth of regeneration through violence is replaced in the twentieth century by the myth of the vigilante? If so, what does this imply? Above all, how do these different mythical patterns relate to the dialectic between literature and life? With a more complex and specific conception of the various patterns of media representation of violence, we may be able to arrive at the answers to some of these questions.

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<sup>28</sup> For example, a very interesting study could be made of the significant differences between English and American detective and crime fiction as they relate to different cultural attitudes toward violence. For British attitudes toward violence, see the historical study by T. A. Critchley, *The Conquest of Violence* (New York, 1970).

## APPENDIX 6

### CORRESPONDENCE

CHICAGO, ILL., May 20, 1975.

Re Legislation for hand gun control.

Hon. JOHN CONYERS,

*Chairman, House Judiciary Subcommittee on Crime, U.S. House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN CONYERS: I write to urge the speedy, yet well-written passage of federal legislation to remove hand guns from circulation and public ownership.

A dark cloud of fear has descended upon nearly every city in this nation, including its suburban environs. The roots of this fear are deep, and the fear is justified, for guns are in the hands of every type of person conceivable: (1) the teenager (male and female) who wants to feel grown up, (2) the pre-teenager who wants to feel like a teenager, (3) the working girl who thinks it will always protect her, (4) the "sportsman" who may also drink a lot or be unstable, (5) the merchant who wants to deter robberies, (6) the homeowner who wants to discourage burglars, (7) the alcoholic and the mental patient, (8) the veteran who likes to recount his experiences, and, of course, (9) the thief, hood, murderer, rapist and other types of criminals who oftentimes will not hesitate to use them.

These guns are so readily available and so widely dispersed because:

(1) There is a good profit to be made in the sale of guns and ammunition, even though some are extremely inexpensive.

(2) There is virtually no effective control, state or federal, over who may legally own a gun.

(3) Hand guns are small, easily concealed, and easily stolen and fenced or traded.

(4) In good times it is difficult, but in a depression it is impossible for many to subsist without theft to help pay for food, drug habits, and security blankets of new material goods.

(5) Americans, rural, urban and suburban, often believe that they need guns to protect both their property and their pride or personal independence. The taming of the Wild West lives in the psychology of millions of households.

(6) Even a person who does not know how to operate or maintain a gun can and usually does get a euphoric feeling of security when holding a gun or having one handy.

(7) Many constitutional "experts" have maintained that everyone is entitled to own any gun he wants because the Constitution declares that a well-regulated militia is necessary.

(8) The National Rifleman's Association and its state counterparts are effective lobbying groups and have precluded in most states the passage of laws which would materially alter the present crisis.

Some have the audacity to suggest that the answer is in arming everyone and in teaching them how to use guns. They say it is people who kill, not guns. Such people are unreal in the perceptions and preposterous in their projections.

Guns, and hand guns in particular, are many times as dangerous as drugs. Yet no one argues with any logic that prescription drugs should be sold without restraint to anyone who wants them. We have similar controls on explosives and no one complains about that.

Certainly rifles and standard length shotguns are sufficient for maintaining a well regulated militia under the Constitution. And certainly the "rights" of the "sportsmen", whether in the NRA or not, to shoot at targets do not outweigh the public's overriding interest in freedom from fear.

I urge that your subcommittee draft and enact legislation prohibiting the ownership and possession of handguns and sawed-off shotguns in the U.S., with severe penalties for violation and mandatory severe penalties for repeat violators.

The only exceptions should be for police officers, the military and corrections officers. Our nation needs this badly and quickly.

Very sincerely,

L. EDWARD BRYANT, Jr.

CHICAGO, ILL. May 21, 1975.

Congressman JOHN CONYERS,  
*Chairman, House Judiciary Sub-Committee on Crime, U.S. House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN CONYERS: I had the opportunity to see a portion of the television hearings on gun control in Chicago. It has given me hope. As a physician I have had to see first hand the devastating impact the easy availability of handguns has had on my patient population.

In spite of vast medical achievements, handgun victims face a high mortality and tremendous morbidity. The number of patients left paralyzed, blind or otherwise crippled is extremely great and ever increasing. It is even worse when one realizes that all other civilized countries have solved these problems by effective legislation.

Almost all my colleagues feel as I do that banning the sale and manufacture of handguns by a federal law is necessary and long overdue. I fail to understand how any person could cherish life so little that they could pull the trigger of a weapon and shatter and destroy flesh with such indiscriminate violence. My patients cannot wait too much longer.

Sincerely,

JOHN D'ABREO, M.D.

CHICAGO, ILL. May 12, 1975.

Congressman JOHN CONYERS,  
*Chairman, House Judiciary Sub-Committee on Crime, U.S. House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN CONYERS: We watched the two days of congressional hearings on gun control on television with great interest and wish to thank you for bringing your committee to Chicago and giving us the opportunity to see both sides presented. We found you to be intelligent, articulate, polite and extremely fair and feel fortunate in having you chair such an important committee.

Handguns and their easy availability have long been a problem to the people of Chicago and we have been advocates of strong federal legislation. We feel the time has come to pass this legislation and look to your committee for guidance and help.

I have written to the others members of your committee as well. At one point during the hearings Mr. Ashbrook sat back and said "I have been sitting here for two hours and haven't heard a positive word for the gun yet." In my letter to him I wrote some "good" things about the handgun which I would like to share with you.

1. Handguns are good because they're cheap. They cost less now than they did 10 years ago and since there are more than 40 million of them you can get a used one for practically nothing.

2. If you have a family argument—a handgun in the house can settle the argument once and for all. Without a gun in the house some fights could go on for days. There are more "good" reasons for keeping a handgun and the above is taken from a column by Mr. Art Buchwald.

We wish you much success in this vital issue and hope and pray that you and the other members of your committee proceed with all possible haste to implement this long overdue legislation.

Sincerely,

SOFIA D'ABREO.

ZIV INVESTMENT Co.,  
Chicago, Ill., May 21, 1975.

Congressman JOHN CONYERS,  
*Chairman, House Judiciary Sub-Committee on Crime, U.S. House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN CONYERS: I wish to express my grave concern over the spiraling violence in our country and its serious effects on all segments of the community. I strongly believe that the readily available handgun has been a

large factor in the increase of violence, since it is responsible for at least half the homicides that occur.

Certainly, it is admirable that isolated large cities such as Chicago and New York, as well as some smaller communities, have strict gun control laws, but these can never serve their purpose as long as guns are readily accessible in nearby suburbs or across state lines.

I favor strong federal gun controls, strictly enforced, and I respectfully request that you proceed with all possible haste to implement this long overdue legislation.

Sincerely yours,

I. R. Ziv.

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NEW TRIER HIGH SCHOOL WEST,  
Northfield, Ill., May 12, 1975.

MEMBERS OF THE HOUSE JUDICIARY SUBCOMMITTEE ON CRIME,  
U.S. House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN: Just last week I had occasion as a supervisor of graduate students in social work to visit the courtroom of Judge Richard K. Cooper at the Juvenile Court in Chicago and heard him complain to a group of women from the League of Women Voters about the terrible increase in juvenile crime in which guns were used. He even reported that a local policeman had told him how guns are now being *rented* out to juveniles, and if the gun is returned without evidence of being used the rental fee is returned.

I then went into his courtroom and spent an hour listening to cases he was hearing. One case in particular bears repeating here. Two 16 year old boys had gone into a supermarket with a sawed off shotgun, and while one held the gun at the security officer, the other overpowered him and took his revolver. The first one, without provocation then, with the barrel against the cheek of the security officer, pulled the trigger. The security guard will never speak again, even if he survives.

If these guns were not available or indeed if there was legislation on our books that would make it mandatory for a judge to sentence young or old who violate the law, human life might indeed be spared and some protection given to innocent victims in tragic cases like this. I urge you as citizens who care about what is happening to this country that you vote to ban the use of hand guns—a federal law is mandatory with stiff punishment to violators.

This letter reflects my own personal experience and deep convictions. I am not speaking for the school, but as a member of a profession and a concerned citizen.

Sincerely yours,

JUNE PENNER, ACSW, CSW,  
School Social Worker.

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Congressman JOHN CONYERS,  
Chairman, House Judiciary Sub-Committee on Crime U.S. House of Representatives  
Washington D.C.

DEAR CONGRESSMAN CONYERS: After watching two full days of hearings recently held in Chicago, I as a private citizen, wife, mother, grandmother, and more importantly as a parent of a victim, I feel compelled to write this letter.

In the last three years my family and I have experienced three separate violent gun incidents. First, our daughter was kidnapped, robbed and assaulted at gunpoint. Secondly, my employer's sister was fatally shot by a nervous armed robber, and lastly, the son of our dearest friend in a moment of despair took his own life with a pistol. In the case of our daughter, we spent a horrendous and traumatic year as witnesses in the prosecution and final disposition of the case; therefore, I feel qualified to offer a rebuttal to many of the claims, charges and myths that were offered to your committee.

I would like to commend you, Representative Conyers, on the dignified and fair way in which you conducted the hearing, especially since it was very obvious that your two colleagues on the panel had already pre-judged and pre-decided their stand on the issue. Representatives McClory and Ashbrook claim they do not hear the issue of banning the handgun as the sentiment of the people. I can then only say to them, they are *not listening!*

I am enclosing a copy of my stand on the issues, and in lieu of not being personally able to testify, I would sincerely hope that you will be able to make it a part of the record.

The people of this nation are looking to this Committee of the 94th Congress to take a giant step toward the solution of this tremendous problem of Crime that faces us, and for the sake of all of us, I wish you every success.

Sincerely yours,

LUCILLE EISEN.

Enclosures.

#### POSITION ON ISSUE

Violent crime has risen to such an outrageous level in this country that we can no longer just sit back and discuss or study the problem. It has reached the same level of importance as the economy and foreign policy. Each affects the other to such a degree that *definite action* must be taken at once. Unfortunately the confidence in our government's willingness and ability to take this action has reached the lowest level in our history.

Our nation can no longer afford the waste in human life and misery, let alone the cost in dollars and cents.

Billions of dollars and hours are spent protecting us from our enemies abroad, yet we are allowing ourselves to be destroyed by the criminal enemy from within.

Banning the hand gun, although a drastic measure, has become necessary and inevitable since all other methods and programs attempted in the last ten years have turned out to be futile and inoperable.

The Congress has been vested with the responsibility to pass legislation for the good and welfare of all the people, not just the special interest of a few. It is to this premise that the people who are pro-hand gun legislation address themselves.

#### REBUTTAL

##### THE SECOND AMENDMENT PROVIDES THE CITIZEN THE RIGHT TO BEAR ARMS

In regard to the question of the small concealable hand guns, this statement is taken out of context. The intentions of this amendment (supported by the Federalist Papers) were to allow for a citizens' militia against the government if it became so desired. However, in these modern times, the use of this type of weapon would be ineffectual against Sherman tanks, Phantom jets, guided missiles, etc.! The possession of large firearms, such as the machine gun, Howitzer, and large automatic weapon by private citizens is illegal, and there has been no objection to this by the people.

The preamble of the Constitution gives us the right to *Life and Domestic Tranquility*, which precedes all other amendments. Anti-abortionists state that even the unborn fetus has a right to life. Why, then, do the living deserve any less? In debating this question, it is not the rights of man that should become the issue, but only the concern and welfare of the greatest majority of people.

##### THE NEED FOR DEFENSE OF OUR PERSON, PROPERTY AND BUSINESS

Criminals don't leave calling cards! It is rarely possible to use the weapon because of the element of surprise when attacked. Very often, we are just putting another gun in the hands of the felon. In the event that the gun is available, the situation often creates a shoot-out, which results in more deaths instead of preventing the crime. The weapon kept in the home for protection too often ends up being the instrument of an accident, suicide or crime of passion. If an individual really feels the need of a weapon for security in the home, the rifle or the shotgun could serve the same purpose. The numbers of cases where use of a gun for protection has been successful is so low that it can not be counted statistically.

##### THE ENFORCEMENT OF HAND GUN LEGISLATIONS WOULD BE DIFFICULT AND WOULD CAUSE A BLACK-MARKET SITUATION

Enforcement of any of our laws, when diligently applied, is achieved; for example, our federal tax laws, our traffic laws, counterfeit laws, our previous restriction on gold, etc.

It is doubtful that those involved in organized crime would consider the black market of guns. Ownership of guns is not the need and desire of the greatest majority of the people. Moreover, the gun is not a consumable product, nor is the amount of ammunition needed of any great significance, when compared to liquor or drugs, both of which are constantly needed to be replenished. Because of this, it would be an unprofitable venture in terms of the risks involved. Organized crime is big business, and this would be petty in their eyes. If we cannot over-



come the fears of the Mafia taking over, then we might as well abandon ship, and put the Godfather in control!

#### THE COST OF ENFORCEMENT WOULD BE PROHIBITIVE

I don't believe that the people realize the total national cost of operating our court and penal system. In the long range, the cost of enforcement would amount to much less than the amount now being spent. The cost to business and industry is indeterminable when figuring the loss of manhours by the victims, and also the loss of police manhours when required as witnesses.

Even though smaller communities and rural areas feel that they are not affected by this problem, they are certainly carrying the burden of this cost in their tax dollars. Money could be diverted from the cost of crime to the national economy. Certainly it is better to have butter than bullets!

#### STRONGER ENFORCEMENT OF EXISTING LAWS IS SUFFICIENT

The philosophy of our judicial system—"Innocent until proven guilty" is the great American dream, yet the reality of this has become a nightmare. In definition, the above statement has come to mean "Defend the guilty, and prosecute the innocent". Because of this, implementation of our laws have proven to be less than effective. The fact that our existing laws are not federal and not uniform makes enforcement a mass array of confusion. It is agreed that this proposition of stricter enforcement is desirable; however, the time needed to correct the existing situation would be too long, and the solution to our problem is needed today.

#### CONCLUSION

Most people who pursue a career of crime could only do this with the power that a gun provides. If the tool of the trade were removed, they would not have the courage to commit the crime.

There are an estimated forty million hand guns in our Nation, and if each gun were only used once, we would no longer have to worry about the population explosion! If guns continue to enter our society at the rate of 2½ million a year, it would be easy to predict that in the next ten years, it could become brother against brother for a loaf of bread, or regress totally back to the law of the jungle, where it would become survival of the fittest.

At this time I would like to quote these words of a very able and brilliant prosecutor when she was addressing a jury: "Ladies and Gentlemen of the Jury, remember one thing—with a gun to your head, you're just a breath away from death!"

#### CIVIL DISARMAMENT COMMITTEE FOR HANDGUN CONTROL, Chicago, Ill., January 23, 1975.

Hon. JOHN CONYERS, Jr.,  
Chairman, Subcommittee on Crime, House Office Building, Washington, D.C.

DEAR MR. CONYERS: We are writing to enlist your aid in securing legislation that will save many lives.

The legislation we want is a Federal ban on possession of handguns by private citizens. We realize that the idea of such a ban has encountered opposition in the past. But the mood of the country has changed: in many cities and states blacks and whites have united in asking strict Federal control over handguns. Local regulations, however stringent, cannot be enforced if other parts of the country have laws that are different and more lax.

The gun lobby seemed to be powerful as long as the other side was silent. But now many organizations are speaking up for the great majority of Americans who live in fear of the wanton killing in our cities and urgently desire effective handgun legislation.

We hope that you will throw the weight and power of your position behind enactment of a ban on possession of handguns by private citizens.

Sincerely,

MRS. ENRICO FERMI,  
Chairman.  
MRS. UGO FANO,  
Vice Chairman.  
MRS. LOUIS ROSE,  
Legislative Chairman.



CHICAGO, ILL., June 11, 1975.

HON. JOHN CONYERS,  
House Judiciary Subcommittee of Crime, U.S. House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN CONYERS: I am writing in support of handgun control. The handgun is an assassination weapon. Even my home state of Pennsylvania, where hunting is permitted with everything from a slingshot to a rifle, restricts the use of handguns as a hunting weapon.

Living in Chicago has changed my opinion concerning handgun ownership as a right to bear arms. In an invasion or rebellion, not many sane people are going to stand up against a vehicle equipped with automatic weapons and second generation night vision equipment with a handgun.

But, the handgun is very useful in murders, rapes, robberies, and political assassinations. I hope that you do not have to fall victim to such before you realize the danger and terror daily facing millions of city dwellers, just so a few hunters can trot through the woods playing "Tex Ritter," with a handgun strapped to their hip.

Please outlaw the manufacture, sale, import, and possession of handguns. Let's keep Jesse James in the history books where he belongs!

Very truly yours,

NED CALDWELL, Jr.

CHICAGO, ILL., April 22, 1975.

Congressman JOHN CONYERS,  
Chairman, House Judiciary Subcommittee on Crime, U.S. House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN CONYERS: Just the other day I once again heard, among the many other gun-related incidents of the day, of a young boy once again, going to the bedroom while his father slept, getting a gun (which in this case his father purchased only a few days before for the price of \$40), "emptying the bullets out" but in actuality not getting them all out and accidentally shooting his toddler sibling to death.

Several years ago a young high-school lad had me looking down the end of his gun on a sunny summer afternoon at the door to my own apartment building while a police squad car sat across the street.

Please, help stop the incessant repetition of these too-familiar stories. While stringent gun laws may not be able to remove all the guns or all the violence, they should certainly make it considerably more difficult to obtain guns and thereby reduce markedly the number of gun-related incidents involving children at least.

Please help pass Congressman Abner Mikva's bill, H.R. 3086!

Sincerely,

VICTORIA CLARE HAAS.

GREAT EQUITY FINANCIAL CORP.,  
Chicago, Ill., June 18, 1975.

Representative JOHN CONYERS,  
U.S. House of Representatives,  
Washington, D.C.

DEAR SIR: We support strong Federal hand gun restrictions and wish to encourage you to vote with this in mind.

Thank you.

Sincerely,

PATRICK G. RYAN, President.

EMMANUEL EPICOPAL CHURCH,  
La Grange, Ill., July 25, 1975.

Congressman JOHN CONYERS,  
Chairman, House Judiciary Sub-Committee on Crime, U.S. House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN CONYERS: I think it is time that there has to be some legislation on the control of handguns, and urge that you do everything that you can to support this legislation.

Sincerely,

Rev. WILLIAM H. BAAR, Rector.

CHICAGO, ILL., April 24, 1975.

HON. JOHN CONYERS,  
*Chairman, House Judiciary Sub-Committee on Crime, U.S. House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN CONYERS: It is my understanding that your committee is reviewing legislation pertaining to Hand Gun Control. It is my considered opinion that this country is drastically in need of legislation to ban the ownership of hand guns by private individuals immediately. I would encourage you and your committee to take every action possible to report legislation to the House favorable to the banning of such weapons.

I was raised in the Western part of the United States where ownership of guns is practically a way of life. I have always owned fire arms, and can think of few pastimes I enjoy more than wading the fields of central Illinois during pheasant season. In addition, I have spent many enjoyable hours off the shores of the Great Salt Lake in Utah hunting for ducks. However, there is no reason I can perceive for the general ownership of hand guns. My work as a lawyer, which has included a substantial amount of criminal defense practice, has led me to the conclusion that we must act to limit the availability and use of hand guns as quickly as possible. I have attempted to acquaint myself with the arguments pro and con pertaining to this subject, and am firmly convinced that those opposed to Hand Gun Control are not taking into consideration the serious problems caused by easy access to such weapons.

Gun Control is essential now, and should not be defeated by the efforts of those individuals or groups who have only certain limited interests to protect.

Very truly yours,

JAMES J. HARDY.

THE FRANCISCANS,  
 Chicago, Ill., August 21, 1975.

Representative JOHN CONYERS,  
*House of Representatives,  
 Washington, D.C.*

DEAR REPRESENTATIVE CONYERS: This note is to say that I believe there is serious and immediate need for Handgun Control legislation. I believe very much in persuasion and the need to develop good moral character. However, very many American are no longer alive because this approach has not been effective in all cases. These victims cannot talk about the urgent need for forceable control of Handguns. We who survive must act.

Please support legislation that will reduce the slaughter and consequent fear that is mushrooming in this country. I believe handgun control legislation is such.

Sincerely yours,

MELVIN GRUNLOH, O.F.M.

REHABILITATION INSTITUTE OF CHICAGO,  
 Chicago, Ill., April 4, 1975.

Representative JOHN CONYERS,  
*House Office Building,  
 Washington, D.C.*

DEAR REPRESENTATIVE CONYERS: Working at this Institute, I know first-hand the need for banning guns and bullets so that much of the violence that brings us our patients can be eliminated. Sadly, it seems as if most of the patients involved are young people and they do seem to be severe injuries rendering them unable to do anything for themselves for the remainder of their lives. I know that the National Rifle Association is strong, but I wonder what they would do if they could see these people every day as I do. I wonder if then they would change their minds . . . somehow, though, people belonging to such an association dedicated to the sport of killing animals . . . it probably wouldn't effect them.

Sincerely,

PATRICIA ANN HERMANN,  
 Secretary.

CHICAGO ASSOCIATION OF COMMERCE AND INDUSTRY,  
Chicago, Ill., April 16, 1975.

HON. JOHN CONTEES JR.,  
Chairman of the Subcommittee on Crime, U.S. House of Representatives, Ray-  
burn House Office Building, Washington, D.C.

DEAR CHAIRMAN: The Chicago Association of Commerce and Industry was not able to arrange to present a statement regarding our support of some kind of Federal Gun Control legislation during your public hearings in Chicago on April 14 and 15. It was suggested by a representative of the Commission on Crime that we send a copy of the letters we have written to U.S. Senators and Representatives from the eight county Metropolitan Chicago areas (Cook, Kane, McHenry, Lake, DuPage and Will Counties in Illinois; and Lake and Porter Counties in Indiana). Copy is attached.

The response has been excellent. The Chicago Association of Commerce and Industry's Crime Prevention Committee will be pleased to review, make recommendations, and request support of the Board of Director's on legislation which may be forthcoming from your Commission.

Sincerely yours,

LLOYD R. NORRIS,  
Director, Public Safety Division.

Enclosure.

CHICAGO ASSOCIATION OF COMMERCE AND INDUSTRY

This Association urges your assistance in the passage of federal legislation to control guns.

Law enforcement agencies, the general public, business and the news media are clamoring for some kind of gun control legislation to help reduce crime and the number of murders by hand guns. Inasmuch as guns move from jurisdiction to jurisdiction, our Crime Prevention Committee—in its study of this subject—believes that federal legislation to control guns is the only workable solution.

Statistics indicate that in 1965 there were 5,600 murders in the United States—2,800 were by use of hand guns. In 1973 there were 19,510 murders—10,340 (53%) were by hand guns.

At the present rate of hand gun homicides, more citizens will be killed by hand guns in the next four years in the United States than the number of Americans killed in the Viet Nam conflict for the twelve year period 1961-1973. Also, it is estimated that there were approximately 11½ million hand guns available in this country last year.

We urge your support in the introduction and passage of legislation to control guns.

Sincerely yours,

ALBERT A. MOREY,  
V.P. for Public Safety.

CHICAGO, ILL., April 10, 1975.

DEAR CONGRESSMAN: I am advised that your Subcommittee is now considering H.R. 3086, being a bill to prohibit the importation, manufacture, sale, purchase, transfer, receipt or transportation of hand guns except for limited purposes more particularly therein set forth.

For many years now, law enforcement agencies throughout the country have been urging the Congress to pass a gun control law. The aforementioned bill is a gun control bill that will, within a limited period of time, lower the number of hand guns available in this country.

I join with the vast majority of citizens of this country in urging the passage of a hand gun control law. This vast majority of citizens should not be frustrated by a small group of well-organized, well-financed organizations seeking no control over hand guns.

Your committee has before it, and will receive, more than adequate factual reports concerning the use of hand guns and their increase in the United States in the past ten years. This information supports H.R. 3086.

I urge prompt and favorable action.

Respectfully,

JOHN SCHWARTZ.

MARCH 30, 1975.

DEAR HONORABLE CONYERS: I would like to urge your passing the proposal to ban the sale of handgun ammunition to the general public. As a teacher in a Chicago public high school I have had first hand experience on numerous occasions of the dangerous nature of handguns. Only last week I talked with a boy who was formerly in my class. I asked him why he was limping. It was because he had been shot with a .22 fired by another boy who is a member of a rival street gang. There have been other incidents where kids have been shot dead on street corners. I know all the arguments expressed by those who oppose any infringement on firearms but they become meaningless when one attends the wake of a child who couldn't live because of the easy access of firearms and handguns in particular.

I own several firearms—no handguns—and in no way do I feel that my rights as a firearm owner have been infringed in all the years that I have been registered as a firearm owner in the State of Illinois and my firearms registered with the City of Chicago. My abidance of the Illinois law is useless so long as there is no national commitment to stop the rampant destruction caused by the bullets that feed handguns; that turns twelve and thirteen year old children into killers.

You have a unique opportunity to act. Do so!

Sincerely,

PETER ARDITO.

CHICAGO, ILL., March 29, 1975.

Hon. JOHN CONYERS,  
Chairman, House Judiciary Subcommittee on Crime, Rayburn House Office  
Building, Washington, D.C.

DEAR REPRESENTATIVE CONYERS: One of the reasons handguns are in the hands of so many Black youngsters in the ghetto is that people with guns on them who see police approach will discard them in streets and alleys. Kids come along and pick them up, play with them, accidentally kill someone or develop into habitual users of guns.

It is this cancerous proliferation of handguns that needs to be cured.

I deeply urge this on you.

Sincerely,

JAMES R. BENNETT, Ph. D.

CHICAGO, ILL., March 29, 1975.

Congressman JOHN CONYERS,  
Chairman, House Judiciary Subcommittee on Crime, U.S. House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN CONYERS: Due to the high crime rate attributed to the use of the hand gun in this country it is imperative that rigid action be taken to control the use of this weapon.

As long as we allow the outright sale of millions of these Saturday Night Specials to any and all takers there can be no effective control over crime in any area of the country. The licensing of this gun has proven over and over again to be totally ineffective because the licensing laws only pertain to certain areas which in most cases are the urban areas but the rural areas remain wide open so that the urban laws are almost useless as far as preventing anyone access to a hand gun.

We need not only to ban the bullets used in hand guns, there must be an outright ban on their manufacture. The asinine quotes of lawyers for the National Rifle Association that it is not the guns that are being sold that is causing the killing and what we need are more stringent laws is an unrealistic as the American Veterinary Association saying that the over production of the pet population cannot be controlled by low cost Neuter & Spay Clinics but what we need is a sterilant in our Pet Food or preventatives which can be inserted into the females by veterinarians.

Let's face the facts, the only way that an undesirable situation can be controlled or eliminated is at its source.

I respectfully request that these comments be written into the records of your committee.

Very truly yours,

ELMER F. GLUECK.

CHICAGO, ILL., April 1, 1975.

Mr. JOHN CONYERS,  
Chairman, House Judiciary Subcommittee on Crime:

I am writing this letter on the same day that the Chicago newspapers carry a story of the shooting deaths of a family of eleven in Hamilton, Ohio. As I write this letter the chances are extremely high that someone is being shot on the streets of this very city. It is often the lament of the gun interests in this country that guns do not kill but people kill people. How outrageously stupid that statement is and how often it is used as the sole argument against gun control. People may kill people but they use guns to do it in the majority of crimes committed.

Is Congress so much under the influence of the gun interests in this country that it refuses to listen to its respective constituency? Is Congress so insensitive to the plight of the citizenry of this country that it turns its back on the many to scratch the back of the few? Has the Congress of this country become so stagnated and so petrified that it is incapable of seeing an obvious solution to a frightening and deadly problem that continues to get further out of hand daily?

May I suggest that you, our representatives, begin to act like legislators and statesmen. Stop selling your souls to the gun interests and stop acting like bought lackeys.

May I further suggest that all guns be banned (except those needed by our security agencies). It would be wise to revert back to sanity by banning all guns so that we may continue with our daily living and solving other problems without having to constantly look over our shoulders in fear.

Sincerely,

GEORGE M. S. PALCZYNSKI.

WEST SUBURBAN HUMANIST SOCIETY,  
Lombard, Ill., April 4 1975.

Congressman JOHN CONYERS,  
Chairman, House Judiciary Committee, House Office Building,  
Washington, D.C.

DEAR SIR: We strongly urge you to support a handgun control bill which bans all handgun bullets as a "hazardous substance."

We further urge you in the strongest terms possible to report a bill to ban the sale, manufacture, assembly, and distribution of all handguns except to military personnel, security guards and the police.

We are fed up with living in a country reeking with crime.

The NRA has had its way for far too damn long. The nation supports handgun control by a margin of 85%.

We are sick of grown men cringing at a bunch of handgun fanatics. It is time that Congress got up some courage and joined the majority.

It is suspected that there are over 100,000,000 handguns in this nation. This is sickness. No country on earth is as unsafe to travel in as the USA.

Sen. McClure's attempt to side with the gun fanatics is another sign of sickness in the Congress. Is he on the side of Murder, Inc.?

Atty-General Levi's attempt at writing gun-control legislation is just a bad joke, because it tries to please all sides without being effective.

Congress has sat on its hands for 200 years. Crime has never been higher. Let's ban the handgun and make America beautiful.

Truly,

RAYMOND MOSTEK, President.

MASS MILLER & JOSEPHSON,  
Chicago, Ill., April 21, 1975.

Congressman JOHN CONYERS,  
Chairman, House Judiciary Sub-Committee on Crime, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN CONYERS: I wish to express my grave concern over the spiralling violence in our country, and its serious effects on all segments of the community. I strongly believe that the readily available handgun has been a large factor in the increase of violence, since it is responsible for at least half of the homicides that occur!

Certainly it is admirable that isolated large cities such as Chicago and New York, as well as some smaller communities, have strict gun control laws, but these can never serve their purpose as long as guns are readily accessible in nearby suburbs or across state lines.

I favor strong federal gun controls, strictly enforced, and I respectfully request that you proceed with all possible haste to implement this long overdue legislation.

Sincerely yours,

RUSSELL G. MILLER.

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D'ANCONA, PFLAUM, WYATT & RISKIND,  
Chicago, Ill., April 21, 1975.

Congressman JOHN CONYERS,  
Chairman, House Judiciary Subcommittee on Crime, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN CONYERS: Please be advised that most of my associates as well as my neighbors are in full support of the currently pending legislation to ban the sale and possession of hand guns. I hope your Subcommittee and, ultimately, the Congress approves this much needed legislation.

Very truly yours,

ROBERT W. GETTLEMAN.

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CHICAGO, ILL., April 15, 1975.

Representative JOHN CONYERS,  
House of Representatives,  
Washington, D.C.

DEAR MR. CONYERS: Congratulations on your cool objective handling of the gun control hearing in Chicago.

As I listened, and as I have worried I recall a young boy in our area several years ago telling a local school administrator: "You can buy one size gun for \$3 and a bigger gun for \$5." These guns were being sold from the trunk of a car in the vicinity of a public housing development. However, in police workshops I have asked where the boys secured the guns and the answers are—"Oh, they steal them." All of these are factors to disturb people in the inner city.

However, great stress must be given to the lack of adequate employment, insufficient positive recreation, and miseducation, and lack of guidance in home and school.

I. M. CRESS.

P.S.—Part of the miseducation comes over our TV. Hours on end of violence is portrayed day and night. Immature minds take this in and it forms a pattern for securing what the have-nots can secure with a gun.

The need to address our economic problems and an in depth reform of our public education in large urban centers is mandatory.

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A. G. SCHEELE, LTD.,  
La Grange, Ill., April 17, 1975.

Congressman JOHN CONYERS,  
Chairman, House Judiciary Subcommittee on Crime, U.S. House of Representatives, Washington, D.C.

DEAR SIR: I understand that you are holding hearings as to Gun Control Laws. I wanted to express my opinion with regard to this.

I am a hunter, both of upland game birds and deer and antelope in the west. I think it is a very excellent sport and gives one the opportunity to be in the great outdoors.

Notwithstanding the fact that I am an avid hunter, I believe firmly in the banning of hand guns and in the registration of all other rifles. Together with my sons, I have 5 rifles in the house plus 3 shot guns. Nevertheless, the rifles should be registered and I will not permit a hand gun in my house. The only purpose for a hand gun, in my opinion, is for killing and primarily killing of people, which is not the purpose of rifles of the type which are used in small game hunting or the heavier rifles which are used in big game hunting.

I endorse the committee's activities in seeking to find a solution to this problem and I would strongly urge that a very substantial gun control law be passed including the banning of hand guns and the registration of all rifles.

Respectfully submitted.

A. G. SCHEELE.

NORTHEASTERN ILLINOIS UNIVERSITY,  
Chicago, Ill., April 7, 1975.

Hon. JOHN CONYERS,  
*Chairman, House Judiciary Sub-Committee on Crime, House of Representatives,  
Washington, D.C.*

DEAR MR. CONYERS: Because, as a citizen, I am concerned about legislation before your committee relative to hand gun control, I am taking this opportunity to write to you.

It is incredible to me, as an historian, that the clear finger of history can still be questioned. That "finger" points not only to the death or maiming of American leaders, but also to the untold, often unrecorded misery brought to the lives of ordinary people because hand guns are so readily available and accessible in our society.

America's moral position must be improved; our society is worth saving. The opportunity before us to rid society of a terrible evil should not be missed; the opportunity for action has waited too long and only cost us, all of us, more.

A dramatically effective law that would begin to remove this cancer on American growth is what is needed.

Respectfully yours,

ARTHUR J. SABIN,  
*Professor of History.*

NORTHBROOK ILL., April 9, 1975.

Hon. JOHN CONYERS,  
*Chairman, House Judiciary Subcommittee on Crime, U.S. House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN CONYERS: As a lawyer, and as a resident of the metropolitan Chicago area, I strongly urge adoption of H.R. 3086, or legislation of comparable effect in controlling the manufacture and distribution of hand guns.

The case for banning, or otherwise controlling hand guns has been overwhelming throughout the last decade. Notwithstanding the extraordinarily effective lobbying of gun-interest groups, I think it is clear beyond any question that the vast majority of Americans favor strong hand gun control legislation, and want such legislation enacted promptly.

As best I can determine, the gun lobby's most appealing argument (and the one through which it has enlisted the support of countless organizations which are neither directly nor indirectly interested in guns of any kind) has been a variation of the "domino theory"; i.e., that any regulation of guns constitutes the first step in a planned encroachment on individual citizens' other Constitutional rights. This argument, in one form or another, has been raised against every single piece of reform legislation passed by Congress in this century. Why it should be capable of such effective use in this particular field, where the need for effective legislation is so apparent, is incomprehensible.

The time for such remedial legislation at the federal level has long-since passed. I hope that your Subcommittee and the Congress will have the foresight and courage to vote for enactment of a meaningful law controlling hand guns during this Session.

Sincerely,

ROBERT E. MASON,

DAVIDSON, BRANTMAN & SCHWARTZ,  
Chicago, Ill., April 11, 1975.

Congressman JOHN CONYERS,  
*Chairman, House Judiciary Subcommittee on Crime, U.S. House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN: As a practicing attorney, I wholeheartedly support Congressman Abner Mikva's bill H.R. 3086, regarding prohibition of importation, manufacture, sale, purchase, transportation, receipt, or transportation of hand guns except for or by members of the Armed Forces, law enforcement officials, and where authorized licensed importers, manufacturers, dealers and pistol clubs.

It seems to me that the view of many Western European countries that the United States is still the "Wild West" is based upon the fact that all too often, when two parties in this country have a heated dispute, they cannot resist the urge to reach for a hand gun to settle their differences. I think that the real purpose of hand guns is to kill people, and that those who have a great urge to hunt or kill animals other than humans could satisfy that urge by using a rifle.

During the so-called "Martin Luther King riots" in Chicago some years ago, I was afraid for the safety of my family and went to a hand gun store just outside the city limits of Chicago to buy a hand gun for self-protection. After receiving a long sales pitch from the gun salesman about which gun would kill better than another, I concluded that it would probably be the most serious mistake I ever made to buy a hand gun for self-protection. If it became necessary to use such a gun to protect my home against an intruder, I would probably be pitted against someone who had a gun and was much more skilled at its use than I.

The likelihood of someone's being killed was very great, and conpling that likelihood with the likelihood of my children being injured by the gun and my killing someone by mistake was enough to convince me against such a device.

There is no way to change human nature. All we can do is eliminate certain temptations from people which could cause greater harm to society than benefit. Clearly, one of those temptations to be removed is the temptation to reach for a hand gun to settle a dispute, rob a store, or otherwise assault people, regardless of motive.

One of the early political philosophers in defining the necessary elements of a State (in the broad sense) said that the state must have a monopoly on the use of force. This is, of course, accomplished by a police force and a military force. I still believe in such a monopoly.

Very truly yours,

ARNOLD M. SCHWARTZ.

WINNETKA, ILL., April 23, 1975.

HON. JOHN CONYERS, Jr.,  
Rayburn House Office Building Washington, D.C.

DEAR CONGRESSMAN CONYERS: It was most interesting to watch your Subcommittee hearings on gun control in Chicago last week. Thank you for arranging to hold hearings here and for permitting them to be televised.

You are certainly to be commended for the fair manner in which you conducted the hearings. It was very impressive. I hope that some form of rational effective Federal gun legislation will be the ultimate result of the hearings.

The rise in violent crime among our young people is particularly disturbing. I note that between 1970 and 1973 elementary and secondary schools experienced an 18.5% increase in homicides committed in schools and a 54.4% increase in the number of weapons confiscated from students. Strong penalties for gun crimes can hardly be expected to prevent youngsters from committing gun offenses when hand guns are so readily available. Why tempt our young people when a strong gun law could very possibly prevent a large number of gun crimes before they happen.

If we do nothing to reverse this trend in violent crime, what statistics will we experience in the future with 2.5 million hand guns entering the market each year? Who among us will be safe?

You have undoubtedly heard all the arguments on both sides of the gun control issue. I hope the testimony you have heard will convince you and your subcommittee to present a Federal gun control bill that will deal effectively with the hand gun problem.

We need an enforceable law to control the importation, manufacture, sale and availability of this lethal weapon, the hand gun.

Thank you again for the opportunity to watch the hearings in Chicago.

Sincerely,

SALLY R. CAMPBELL.

CHICAGO, ILL., April 10, 1975.

MR. JOHN CONYERS, Jr.,  
Chairman, House Judiciary Subcommittee on Crime, House Office Building,  
Washington, D.C.

DEAR MR. CONYERS: As an employee of the Rehabilitation Institute of Chicago, a hospital for the physically handicapped, I see numerous victims of handgun accidents. These victims are usually young people between the ages of 15 and 30 who are destined to spend the rest of their lives in a wheelchair, many who are paralyzed from the neck down.

So many needless tragedies result from the easily obtainable handgun. Some of these accidents occur in relation to other crimes such as theft or drug traffic, but many occur as a result of domestic arguments where the fact that a gun was



available at the moment meant the difference between life and death. We would like to think that the frontier days of the United States are over, however, I have heard that the gun control laws were stricter in the days of the wild west than they are today! The handgun has become a kind of deadly toy—an instrument of power which is very attractive to certain members of our society who feel weak or defenseless for one reason or another.

I am asking you to please do everything in your power to see that handguns are outlawed in this country.

Very truly yours,

BARBARA M. CZACZYNSKI.

CHICAGO, ILL., May 4, 1975.

CHAIRMAN JOHN CONYERS,  
House Judiciary Sub-Committee on Crime, Rayburn House Office Building,  
Washington, D.C.

DEAR MR. CONYERS: I am writing to you concerning the problem of our total lack of gun control in this country. It does not take much research to see that we are in desperate need of handgun control in the United States.

Five and one-half years ago on July 3rd, *my brother was killed by a seventeen year old youth with a handgun in the Old Town area of Chicago.* My brother was nineteen years old. He was killed for the \$4.00 that was in his wallet, although the assailant never received the money. This was a senseless murder and it might have been prevented, had the 1968 Gun Control Laws been stronger. The question we are considering here is not just a matter of someone's constitutional right to own a gun, but his right to live.

Since 1900 firearms have accounted for 750,000 deaths in the form of murders, accidents, and suicides. The annual gun death toll in the U.S. is 21,000 people. If these figures are not enough to make us pass stronger gun control legislation, then we no longer deserve to be called civilized human beings.

I ask you to please urge your committee to pass the strongest legislation possible regulating handguns. Act now, before someone you love becomes another innocent victim.

Sincerely,

CATHERINE S. PRATSCHER.

PONTIAC, ILL., April 26, 1975.

COMMITTEE ON THE JUDICIARY,  
House of Representatives,  
Washington, D.C.

MR. CHAIRMAN, and MEMBERS OF THE COMMITTEE: Press Reports have brought to our attention your hearings relative to proposed legislation on the "Gun Control" Issue. We dissent.

For a singular purpose, the book by Robert A. Heinlein, *Stranger in a Strange Land*, is mentioned. In his book it is to be noticed many of the citizenry of that 'future time' went about armed—there being certain recognized safeguards for the protection of those not desiring so to do—which served as a deterrent to the unlawful use of force. Though we do not believe this to be the best practice, the example serves a useful purpose. However, we do believe that the historical example of being prepared, properly, against such violence is correct. It may be argued by those opposing this view—without merit, we believe—that there are no longer "wild Indians on the Frontier". This must be, assuming, arguendo, the same to have some truth within its compass, nevertheless, in ignorance of everyday life. FBI statistics reveal that there is an increasing number of crimes of violence committed, while—it would appear—there are fewer acts of self-defense, acts specifically allowed by the law. Though we believe, emphatically, that the resolution of *disputes* lies with the courts, Agencies, and Councils, as well as private negotiation and agreement, it is an overwhelming fact that this just hasn't been occurring. The funds which otherwise would be expended in enforcing such legislation, would be much better spent for educational services on the formulation and dissemination of courses of study which would inform the citizen of the organization and workings of his Government, and where, when it is needed, the may find assistance in times of trouble. Crime and violence is not so much a legal issue, as it is one sociological. And *this*, of course, is what is the CAUSE of the disorientation, which leads to the effect of crime and violence. An "armed" citizenry is a major bulwark to: the furtherance of abating controversies by peaceful

means; growth of commerce, intrastate, as well as interstate; and promotion of the public's welfare by those individuals being a part of same, and their protection by the holding of that deterrent. A disarmed citizenry is an unwelcome invitation to disaster, . . . and tyranny.

Such disarmament, whether it takes the single great leap forward by a single piece of legislation or by imperceptible, steady, encroachment by other means, certainly must be unconstitutional. Disarmament of the Public at large would also result in their being placed in the trust of the few, a precarious situation. The Framing Fathers could not have intended such an aberrance. "Gun Control" legislation smacks of a prelude to tyranny, and one to which we cannot subscribe, as borne out by history.

We believe, also, that the major effect of such legislation would be to broadly presume that anyone—not a law enforcement official, in short, officialdom—would, because of possession of a "handgun", have an intent to use same unlawfully. In this respect, see, e.g., *Tot v. U.S.*, 319 463; *Leary v. U.S.*, 395 U.S. 6; *Grayned v. Rockford*, 33 L.ed.2d 222, 227-228. Subsequent to the revelations of the Ellsberg Matters, Watergate, and gross 'improprieties' of the intelligence community, the police monitoring system—of all places—in Libertyville, Illinois, and the FBI's mistaken breakings and entries in southern Illinois, it is perhaps correct for the American People to have some suspicion of the workings of government.

In summary, therefore, the time is not ripe for this sort of legislation; if it ever will be. Parliament raised an Army, Cromwell defeated George II, over some issues lesser than this. Worthy of our Great Institutions would be the enactment of a National Primary Election Law, or an Amendment to the Constitution providing for popular election of the representatives of the two political branches. "The only cure for democracy, is more democracy".

With Kindest Regards,

DENNIS KNELLER,  
Director of Research.

HENRY, ILL., April 21, 1975.

HON. MR. JOHN CONYERS, Jr.,  
Chairman, Subcommittee On Crime, Rayburn House Office Building, Washington D.C.

SIR: I would like to submit the following statement as testimony to your subcommittee. My colleagues and I arrived at WTTW-TV in Chicago after hearings had closed on April 15th, but Mr. Barboza informed us we could submit our statements at a later time by mail. I would like to thank Mr. Barboza for his kindness; in a time when skepticism and mistrust of the Federal government is seemingly widespread, it is good to meet a devoted individual such as Mr. Barboza who is willing to do more than the minimum.

I am opposed to laws which would reduce the honest citizen's right to own and lawfully use hand guns. I am opposed to registration, which would only be a burden on the honest citizen.

As a starting point, would abolishing hand gun ownership and sales significantly reduce crime? I think not:

a. There is most likely a large number of illegal hand guns extant now. These would not be affected.

b. We have approximately 15,000 miles of coast and border which are presently being breached by significant amounts of contraband, such as narcotics, and illegal hand guns would be smuggled, in all probability.

c. We as a nation have a tremendous metal-working capability, some of which would be turned to making illegal hand guns when it became lucrative.

d. The elimination of legitimate hand guns would result in a shift of some power from the honest citizen to the criminal.

e. Criminals would use other weapons, such as knives and blunt instruments, with greater frequency, and, to everyone's surprise, would probably be more effective. The ability of the individual to kill with a hand gun is generally over estimated; there are people alive today because the criminal chose to use a gun instead of a knife or other weapon.

f. "Crimes of passion" would most likely not be reduced, because, in the case of individuals with homicidal tendencies, their probability of murdering someone is unacceptably high. Murder would not be prevented, only the time, place, and lethal method would be changed.

In summation, I find it difficult, yes, impossible, to see the reduction in crime from a ban of hand guns that many would infer.

Now, I would talk about some myths extant. Hand guns CAN be used for other purposes than murdering people. Only a fraction of a percent of all hand guns are ever involved in crime. One can legally hunt with a hand gun in several states of this Union. Twelve and thirteen year old children can't obtain hand guns through the mail without dealing in deceit and contravention of an extent which I personally feel is beyond the capability of most twelve and thirteen year old children. In any case, a serious premeditated felony must be committed.

The Framers stated clearly our right to bear arms, and understood what the term militia meant. Mr. Mason stated in another place that the militia is all the adult males, save a few government officials. The definition has been clearly put since the early part of the 100 Years War to my personal knowledge, and several federal laws make clear its meaning. The men who assembled at Lexington and Concord understood that militia did not have to be uniformed, enrolled, or enlisted. I feel embarrassment that a Supreme Court Justice was so ignorant of history as to find otherwise. To be militia one only needs to be a citizen, armed, and idealistic enough to feel national obligation and the need to get involved.

The right to keep arms for, among other purposes, the protection of one's family, property, and freedom from criminals, international aggressors, and governments which act outside their mandate, and without limit and responsibility, is integral to sustained freedom. For a docile, unarmed populace, the right to rebel against a despotic government is as meaningless as my right to run the 100 yard dash in 5 seconds, or pole vault 20 feet high. And, although unexercised, the right to rebel's presence is a safeguard against the excesses of a government. Solzhenitsyn's *Gulag Archipelago* illustrates what can happen when a docile disarmed populace suffers under a government which has no obligation to the people.

It has been stated that in a nuclear age, the common man's personal weapons are useless for defense. This assumes that our enemies see only one option in military conflict with us; I think this is a simplistic and naive assumption. In fact, our enemies are most ingenious, and only a fool would attempt to anticipate the specific behavior.

I have some opinions as to the cause and cure of crime in these United States:

- a. Our modern and affluent society seems to place many people under such a level of mental stress as to aggravate personality problems which result in criminal behavior. To cure this, two things are needed; one, adequate care and help for all who need it, and, two, a social climate such that there is a minimum amount of stigma attached to, and reticence to, seek help.

- b. Many people in our society feel they are disadvantaged and deprived, resulting in varying degrees of resentment. We must attempt to see that those who are treated unfairly receive justice, and help those who only feel they are unfairly treated to be less resentful.

- c. At present, due to organizational problems, the working objective of some police forces is not to fight crime totally. Due to political considerations, graft, and bureaucratically generated goals counter to crime fighting, the policeman on the street knows he is to fight crime but he must not step on certain people's toes or do anything controversial. The top priority must be given to fighting crime, and the organization must evolve to fit the mission rather than altering the mission to fit the organization.

- d. More resources must be devoted to fighting drug crime. This should have top priority. I believe that the problem can be reduced greatly quickly if and when it becomes important to do so. And this can be accomplished within the law without violation of civil rights. All that is required is more and better law officers and equipment unfettered by graft or political considerations.

- e. We must put more policemen on the streets. The ability to identify high crime areas and to greatly increase patrol intensity at random and unknown times would be highly effective.

- f. Without persecuting, the general public must begin to let those people who are violating the law know that they are doing a thing that is wrong, and that they don't approve. The "don't get involved" attitude has contributed to an atmosphere in which there is little stigma attached to committing many crimes, and one who is honest is some times considered a fool. Moral pressure must be a present and strong force.

- g. We must accentuate the worth of the individual and his safety, his self-image, and his opinions. We must have government which listens and deals with human problems in a humane and understanding way. The bureaucracy must be made to understand they must serve the people.

h. Our judicial and legal systems must be expanded and improved to insure prompt and correct legal procedure.

i. I cannot accept plea bargaining. I know there are good arguments for it, but it seems philosophically to fly in the face of our judicial principles.

In closing, I see no easy solution for the crime problem in our nation, but, on the other, the solution is within our reach if and when we choose to grasp it.

Respectfully,

GARY L. SINGLEY.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., May 22, 1975.

HON. JOHN CONYERS, JR.,  
*Chairman, Subcommittee on Crime, House Judiciary Committee, Rayburn House  
Office Building, House of Representatives*

DEAR MR. CHAIRMAN: I would be deeply grateful if you would bring to the attention of the Subcommittee Members the enclosed correspondence I have received with reference to gun control legislation so that the views expressed may be given all possible consideration during the continuing Committee deliberations.

Thank you for your cooperation.

Sincerely,

FRANK ANNUNZIO,  
*Member of Congress.*

Enclosure.

CHICAGO, ILL., May 1, 1975.

HON. FRANK ANNUNZIO.

HONORABLE SIR: Some years ago while living in a 2nd floor Sleeping room on Winnemac Ave. near the Beaubien School, 3 men acquaintances of my neighbor across the hall tried to break down my door at 1 A.M. on New Years day. I could not call for help as the phone was downstairs and my only window faced two empty lots. I sat on the edge of my bed praying fervently that I would not have to use my pistol. They started an argument between themselves and finally gave up. I was certainly relieved, and was glad to have a gun to back me up. The handgun is the only practical weapon for home defense for in our settled communities a rifle with its greater power and penetration could endanger innocent people nearby, and a shotgun is quite inhumane. I have been around guns for over 56 years and spent many a Sunday at Fort Sheridan Pistol range or the fine Army Rifle range.

I noted during several anti-gun programs on T.V. the unfairness of allowing the pro-gun people very little time on the air, as compared to the great amount of time allotted to the Anti-gun factions. The great newspapers are just as unfair in printing the pro and con on this very controversial subject.

I blame the rash of senseless murders on the influx of a violently vociferous ethnic group who spew out murder, rape, robbery and arson wherever they go. In First World War days when our population was differently apportioned, there was not anywhere near the killing and other crime that we suffer from now. As long as we have People (?) in our midst who throw rocks, bricks, bottles and other missiles at our fire-fighters and police, we had dam well better be armed against these potential anarchists. My experience stems from personal public relations, not from a text book. I spent 8 years in Chinatown and a great deal of time in the Black Belt and Bronzeville, as these two sections were once called, and the last two were no Ladies Aid Church picnic. I helped in effecting the arrest and conviction of a gang of 5 hold-up men, helped the Police in finding a missing Junk peddler; he was murdered and stuffed into a trunk in the basement of a movie theater on the notorious Indiana Ave. just south of 31st St. The Officers were Sergeants Booth, Howard and Ball of the Detective Bureau and I think they were the greatest.

I once risked arrest and jail while homeward-bound on Irving Park Road at Central Ave. being the Northeast corner and entrance to Portage Park, where 3 young fellows were loitering around the Water Fountain. I and a well-dressed middle aged black man alighted from a north-bound Central Ave. bus. I noted a young High School girl also waiting to get an Irving Park bus west-bound.

Suddenly the trio advanced toward the girl and tried to force her into the Park. I drew my .38 Smith & Wesson on them. The big-mouthed leader of the trio started shouting "He's got a gun" several times. He then invited me to shoot it out with him, but his companions dragged him across the street. They managed to hold him until the bus came when he broke loose, crossed back to where I stood and again challenged me upon which I told him to leave people alone and not to scare the life out of a young girl. I got on that bus and he shouted obscenities at me through the open bus window.

I wonder why intelligent women living in Winnetka which is a low crime area should be so adamant in out-lawing hand-guns and bullets when they could do something to curb our insane drivers who kill some 60,000 persons and cripple or maim some 500,000 more annually. I lost my boyhood friend to a hit and run driver; he lingered a few weeks and died 1 day before his 73rd birthday.

All I can say is that when the "powers that be" demand that I give up my gun worth \$250.00 for a pittance of \$25 or even \$50. I will turn it in such a condition that it will never be put together again.

It would be better to clean up our thoroughly rotten Insensate Judicial and Legal system, as is evidenced by the sentencing to 90 YEARS (and I mean YEARS) of a hapless fellow in Oklahoma City who stole \$3.75 from 6 parking meters while our Big Shots get off scot free for Treason. Then they set out to write an autobiography. I wouldn't be too surprised to see a hook on the shelves some day written by Richard Speck about how he knifed 8 nurses to death.

I am very much concerned about the goings-on these days, and I wonder if we shall see a return to sanity and good old common sense.

I am,

Yours very respectfully,

HENRY P. BOFF.

#### OPPOSITION TO HANDGUN LEGISLATION

As a homeowner and citizen of the United States, I am in complete opposition to any handgun laws. Any gun legislation will only disarm the citizen that is protecting his family and property. Gun laws do not effect the street jungle, they only create a stronger black market for guns. We saw this happen during prohibition when the hoodlums' pockets were kept full, profiting by this liquor law, and the Mafia emanated.

I only believe in laws that will protect the citizen not harass the gun owners. The Chicago law on gun registration to date only gives select politicians a fat job and has not made one dent towards the stopping of crime. We must recognize that the commission of crime is the problem we face in this country—not how a crime is committed. The proposed handgun laws are a feeble attempt to curb crime. Therefore, I feel we must be concerned with the person committing the crime, not the object used to commit the crime.

A homeowner isn't safe in his own home as there isn't a day that goes by in the U.S. that we do not hear about some citizen's home being forcibly entered and family members subjected to violence. The average citizen no longer dares to use the streets and public places he is being taxed for because of fear for his life. It has reached a point now where the citizen is locking himself up rather than the laws locking up the criminal. Are you asking the handgun owner to give up his one sure means of protecting his loved ones?

If you do add gun legislation it certainly is going to affect the responsible gun owner. The felon will find means to procure a weapon for his vehicle of destruction at any cost. So while you are asking the stand-up citizen to give up his means of protection, crime continues to run rampant.

I am sure if we had a vote today on what people feel, it would be total restoration of the laws. The courts have exercised permissiveness to a point of public dismay. The judges are plagued everyday with the decision of what to do with the repeating criminal. Therefore, we should legislate stronger laws that will incarcerate the bad apples of our society. By doing this, society can be assured that violators will receive swift and sure punishment.

I am taking this time to register publicly my opposition to the proposed handgun law legislation as I feel it will have no effect on the criminal and will only penalize the legitimate handgun owner.

HAROLD T. SEEGOTT.

MAY 13, 1975.

HON. FRANK ANNUNZIO,  
Eleventh District, House Office Building,  
Washington, D.C.

DEAR SIR: Enclosed is a copy of a legislative bulletin I have just received concerning Anti-Firearms Legislation. I believe that I and every law abiding citizen have the right to keep firearms in our households. Murders, rapes, robberies and other serious felonies against our citizens are increasing at an alarming rate. These crimes are not committed by law abiding citizens but by hard core criminals whose lust for life consists of robbing, raping, plundering, and generally terrorizing our communities. Our streets are unsafe; our business establishments are unsafe; our public transportation systems are unsafe; and our homes are unsafe.

It is impossible for our police to be on the scene when the actual crime is committed. They are doing a magnificent job, but apprehending criminals does not end crime. Our courts release multiple offenders, allowing them to again go in our communities and follow what to them is a way of life.

Criminals are the minority of our population, yet the anti-firearms legislation proposes to remove handguns from *all* citizens. Who is going to ban handguns from the criminals?

The solution to the crimes of murder, rape, robbery, etc., is not in banishing handguns from the registered owners, but rather in swifter, more decisive action by our courts, in more severe penalties imposed on law breakers, and in keeping our known criminals off the street so that we are safe on them.

In the city of Chicago a new law has just been passed by the City Council, making a ten-day jail sentence mandatory for possession of unregistered handguns, yet an article I recently read stated that of 200 persons arrested, not one person had gone to jail. These are your potential murderers.

Why? Because our courts hand down minimal sentences, suspended sentences, grant repeated trial delays, and grant bail to arrested offenders who may already be out on bail for previous offenses. As long as our judicial system permits this excessive leniency, people in America will live in fear and will demand the right to own handguns for protection for themselves and their loved ones. It's better to have a gun and not need it than to need one and not have it.

VOTE NO!

Sincerely,

ACHILLES L. MARES.

Enclosure.

Springfield, Ill., May 8, 1975.

HON. FRANK ANNUNZIO,  
Congressman, Illinois 11th District, Rayburn Office Building,  
Washington, D.C.

DEAR CONGRESSMAN ANNUNZIO: The numerous bills which have been introduced into the Congress by those who wish to eliminate the possession of firearms and particularly pistols, would deprive the American householder or citizen of every means of defending his property and would put everyone completely at the mercy of the hoodlum element who would have guns regardless of any law that may be passed. The increasing crime rate, we think, is due to the general laxity of many of our courts in siding with the criminal instead of the decent property owning, taxpaying citizens.

This country was built by use of guns, farming equipment in its many stages of development, and the transportation facilities which are so necessary for transportation of farm products. The anti-gun bills are loaded deliberately against the peace-loving, law-abiding taxpaying American citizens and are in no way comparable with the rights of the citizens to own firearms as expressed in the United States Constitution. The criminal will have every family at his command to make them give him all negotiable property which he may desire. Refusal would invite almost certain death at the hands of the armed thug.

In a similar way, firearms of many descriptions have been used in actual farming operations to frighten birds and thieves from stealing the crop before the farmer could complete his harvesting.

I own a number of guns, having collected them over a period of more than 50 years and to me they represent the proper martial atmosphere which must exist and be used by the taxpaying citizens to protect their property and to try to eliminate the hazard of death at the hands of the crooks who live off the proceeds of bold-ups and other forms of thievery.

I am asking that you please vote against all anti-gun measures because their objective is to deprive the general public of the right to defend itself and also to be available for sudden military or guard duty because in any world, the national guard of each state is promptly federalized. Only by the organization of an armed home guard furnishing every item of warfare, can we overcome felonious attempt against both property and life which will be the case if those bills are passed.

There are several anti-gun bills before the Congress at the present time and I hope and pray that with your vote, these laws will not be passed. Your vote to prevent passage of these laws will be appreciated by all true Americans not mentally tainted by the fear of guns in the hands of the general public. Your vote against these bills is essential to the national economy and to the enforcement of many criminal acts. You are asked, therefore, to carefully study each gun bill and if as reported, the possession of firearms and ammunition can become a crime, then we have lost our rights to attend religious services or to protect life and property belonging to the individual or to each family.

This letter is being written in hopes of giving you more data which you may consider before voting on the passage of any and all of the bills which will make crime a more paying occupation and will penalize the citizens who are law-abiding in their ownership of guns and the purchase of ammunition for them.

Your vote to prevent passage of this unfortunate type of legislation will make you even more solid with the voting public.

Most sincerely,

CARTER JENKINS.

DES PLAINES, ILL., June 5, 1975.

Hon. JOHN CONYERS,  
House Judiciary Subcommittee On Crime, U.S. House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN CONYERS: I had the privilege of attending the hearing conducted by the House Judiciary Subcommittee on Crime while it was here in Chicago. I was disappointed in who was chosen to address this Subcommittee, however I was pleasantly encouraged by you, the Chairman, and the other members of the Subcommittee as to your determination to do a fair and equitable job.

I would therefore appreciate your reviewing the enclosed copy of my letter to my Representative Abner J. Mikva. It contains the basics of the testimony I had hoped to present at the Chicago hearings.

I realize the letter is lengthy and that you must have "Tons" of testimony from people with very impressive titles. However, I feel my title, Citizen of the United States of America, is the most impressive of any.

I will therefore appreciate and considerations and comments you wish to make.

Very truly yours,

JAMES W. ANDERSEN.

JUNE 1, 1975.

Hon. ABNER J. MIKVA,  
U.S. House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN MIKVA: Sorry! I realize my signature resembles an illiterate scrawl. I should have printed my name underneath, however I've never received an answer from any of my political Representatives and quite frankly I assumed it would wind up in the "Circular File".

Your prompt answer was therefore most encouraging for two reasons. Number one, of course, is the fact that there still is, in spite of popular opinion, communication between the people and government.

Number two was your testimony before the House Judiciary Subcommittee on Crime. I had the opportunity of attending the hearings here in Chicago. I had, unfortunately, assumed they would be public hearings in which the Public's view would be sought. Instead I saw a constant flow of politicians and political hacks telling other politicians what was best for the People.

This is all too reminiscent of our founding fathers' problems. As British subjects they were assured of the most Democratic government then available. They had representation in Parliament. This representation told the government what was good for the People. There was the most powerful military of the times to protect their "Freedom". When the People complained of the unfairness and



mis-representation fostered upon them by their democratic government, their protecting militia (the legal one—not the outlaw minutemen) moved in to disarm the populace. This is, of course, a very capsule account, however the truth is there. Tyranny is always preceded by the legal Armed Force (be it militia, police or whatever) confiscating weapons from the People so the ruling forces can "protect the People from themselves". History constantly portrays this from Biblical times through the present.

We now enjoy one of the most democratic forms of government in the world. Yet I'm sure you'll agree that it is far from perfect. On the one hand we have the Agnews and Kerner out to enrich themselves at the Peoples expense. There are the Nixons and the bay of pigs Kennedys who we are led to believe sincerely felt that they could do no wrong as long as *they* thought it best for the People. We have the "Militia of the People" who under political orders fired on Kent State University.

No! I have no intent of political assassination nor do I advocate the violent overthrow of our government. Please see that the C.I.A. are aware of this. I am an average "John Q. Public" who is too busy working to make a living and pay his taxes to even march in parades or demonstrate for my views. I had to beg for the afternoon off when I erroneously believed my views were being sought by the House Judiciary Subcommittee on Crime.

Our Founding Fathers learned a lot in their suffering at the hands of a "Representative Government". They were extremely shrewd and intelligent when they called upon this experience to write the Declaration of Independence, Constitution and the Bill of Rights. Believe them as we approach the 200th year of their legacy—in their suffering they clearly understood the necessity of the Second Amendment!

Truly we should hope that the balance of their wisdom would render such a recurrence impossible. Yet it sickens me as I read from your testimony to the House Subcommittee—"I agree with the reasoning behind this type of proposal—that we ought to get as many of the existing handguns as possible out of circulation—but I worry about the approach. To outlaw the possession and ownership of handguns is to put Police officers in the extremely dangerous position of having to enter peoples' homes in order to seize guns. If a ban on possession is included in handgun legislation, it can mean needless deaths and injuries to Police officers." Substitute a Representative in Wig and Robe before Parliament and change Police officers to Soldiers and—my God! It's happening again!

So I beg of you and the House Judiciary Subcommittee on Crime to reconsider. Our crime problem is the Nixons, the Agnews, the thieves, murderers, rapists, etc. that we, the People, are already protected against by Law. We are begging our Courts and government to enforce these Laws as they are so charged to do. Punish the guilty—not the People! any faults lie not in the Peoples Rights but in the inability of our present Courts to protect these Rights adequately.

As long as our Representatives listen to the People and fairly represent their views there is hope. Your cover letter says in part "My support . . . is so strong, because I am convinced . . . As a Citizen your convictions are important—as a Representative you are charged with presenting the convictions of your Constituents. I call upon the wisdom of another politician whose lesson we should remember " . . . a Government of the People, by the People and for the People."

Very truly yours,

JAMES W. ANDERSEN.

APRIL 15, 1975.

HON. JOHN CONYERS,  
*Chairman of the House Subcommittee on Crime, U. S. House of Representatives,  
Washington, D.C.*

DEAR MR. CONYERS; It has become quite apparent in recent times that there are certain elements of our society dedicated to the destruction of individual freedoms in this country. The example of this to which I have been alerted is the gun control issue. This, because of my interest and activities in target shooting and reloading.

The right of each law abiding citizen to "keep and bear arms," was important enough to our founding fathers to make it the second entry in the Bill of Rights. Now some people say that the second amendment was only important in colonial days when the army was compiled of every able bodied man and society in general was living at a less hectic level. Today though, life has become more urbanized and fast paced. Along with this has come an increase in violent crime; now in-



stead of fighting crime with laws already on the books, courts are letting criminals go practically scott free; and some people are asking the government to legislate a repeal of one of our constitutional rights in a frantic attempt to cure the crime problem in our country.

Making it almost impossible to own a handgun is the first step in disarming this great country, which became great because of the freedoms granted all its citizens; and disarming us would only make it easier for some non-democratic form of government to take control. When and if government is allowed to take away the right to keep and bear arms, in an attempt to control violent crime, what is to keep them from going one step further in restricting the right of assembly to control crowds, and the right of free speech to control so called subversive left or right wing commentary.

America is the only country where people still flock to because of freedoms granted everyone on an equal basis. If the government is allowed to dissolve these freedoms, however subtle and sincere it might seem, we as American citizens are the only ones to blame when the democracy we say we love so deeply and want to protect is gone forever. The second amendment prohibits passage of laws interfering with the freedom of every law abiding citizen to "keep and bear arms." The writers of the constitution knew that a people free to defend their rights and properties would never again become subservient to an oppressive rule.

In conclusion I feel that any further laws enacted to control firearms would only serve to complete the destruction of the second amendment; and set an awesome precedent in dissolving individual liberties in the United States. Your comments and opinions on this issue would be appreciated.

Sincerely,

SHAWN WILLIAMS.

CHICAGO, ILL., April 8, 1975.

Chairman JOHN CONYERS,  
House Judiciary Subcommittee on Crime,  
Washington, D.C.

DEAR SIR: The federal legislature is expected to save our nation from the increasing burden and threat of violent crime. Your subcommittee will be here in Chicago during next week to take testimony concerning possible legislation to further control the private possession of firearms, as a way of reducing violent crime in the nation. It is a cruel hoax on the American public to give the assurance that violent crime will be reduced at all by restricting ownership of any type of weapon.

The homicide rate in 1933 (the first year rates are for the whole nation—FBI statistics from *No Right To Bear Arms*: Carl Bakal/1968) 6.3 per 100,000. This is prior to national firearms laws, except the prohibition of mailing handguns. The homicide rate had dropped to 2.6 in the years 1943-44, while the accidental death rate had stayed at about the same level or dropped slightly, in the 10-year period. Keep in mind that the age-group mostly responsible for violent crime, 19-25 years of age, was in government service during the early 1940's. When the baby-boom of the late 1940's produced the 19-25 age group, 1966 was the start of the rapid increase in violent crime and the gross increase of homicide. During all of this period, increased control of firearms did nothing or very little to control or reduce such violent crime or use of firearms in a criminal manner. I do not believe that any federal legislation, including the 1968 Gun Control Act or any other legislation that your subcommittee can suggest, will reduce or control violent crime. Total prohibition of all firearms will not do it either, for only we, who are obeying present laws will surrender our firearms.

Sincerely,

WARREN R. KREMSKE.

BELLWOOD, ILL., April 16, 1975.

Hon. JOHN CONYERS, JR.,  
Member of Congress

I was interested in watching your gun control investigation via Channel 11. I think what Congress is trying to do is legislate morality which cannot be done. We tried that with prohibition with the assumption that if liquor is not made, people will not drink. Well if guns are not made, people will still kill one another; you can always pick up a rock.

The rise in crime is lack of punishment. The do-gooders talk about rehabilitation but in practice it does not work out. There is no deterrent; no death sentence, and if there is one it is anywhere from eight to ten years before it is carried out.

There are people born with criminal tendencies; these have to be eradicated. Some people are born aggressive, others mild, some meek—character cannot be changed. Taking hand guns away is not going to change crime; there is always the knife and in some ways the knife is better; no noise and hard to identify and you are just as dead. In fact, all gun dealers sell knives, throwing knives and knives for just sticking.

I don't know where they talk about cheap Saturday night specials. My handguns cost \$150.00 and better. Where I spend my vacations, Hayward, WI. The people there are loaded with guns of all description—there is no crime rate. As a matter of fact, the pistol scores are published in the paper as the various teams compete.

I've always had guns, pistols, shotguns, rifles. I can't recall ever wanting to kill somebody and it would have to be extreme provocation for me to do it—such as self-defense for the home and even then I would give the law first chance.

Very truly yours,

LEONARD A. SCHINAGL

CHICAGO HEIGHTS, ILL.

Representative JOHN CONYERS, Jr.,  
Representatives Offices,  
Washington, D.C.

DEAR SIR: I am a Life Member in the National Rifle Association. I take pride and comfort in the N.R.A.'s fight to persevere and continue the fight for the Second Amendment of the Constitution of the United States of America "... the right of the people to keep and bear arms shall not be infringed ...".

I am writing you to express my chagrin and trepidation at what may turn into a real threat to me and millions of American citizens.

To keep this letter short and to the point, I will state that I am strongly opposed to any legislation or legislative attempt to negate my right to BUY any handgun, Long-gun, Shotgun and/or Ammunition.

With the astounding rise of crime and crime related activities over the last few years, I wonder about what the anti-handgun, anti-all guns people are thinking about when they advocate disarming themselves. The cavalry does not come over the hill on time any more.

We have to protect ourselves and our loved ones from those, whomever or whatever, anti-society misfits who are killing us for no reason at all or for kicks.

Basically because they, the anti-society misfits, have nothing to fear from our Law Enforcement Agencies and our Judicial Court System. Crime today pays and in some ways pays BIG. We must fight the criminal use of handgun and not the lawful use of handguns. If you take away the Handgun from honest law-abiding citizens, then only the anti-society criminal will have handguns. The honest John Q. Citizen will be the only ones who will turn their handguns voluntarily. Because, he or she respects the Law and do not want to become criminals under the Law. While the die-hard criminal type will laugh and praise the New Law and keep and use his now illegal handgun. He will use it on you or I with no regard for our rights under the Law. We must fight the criminal and not society. We must again make crime a hazardous occupation, make crime not pay.

As a people and as a Nation we can not allow ourselves to be totally disarmed. As a Nation we cannot forget the lessons of past and very recent history. IF WE DO WE ARE LOST. We will lose in more ways than I care to imagine and/or think about.

I will support any plan of action proposed by the N.R.A. and any organization that will support my rights under the Second Amendment. I will oppose those organizations that threaten my right to keep and bear arms.

Sincerely yours,

DALE D. MYERS.

MATWOOD, ILL., April 18, 1975.

Hon. JOHN CONYERS,  
House Judiciary Subcommittee on Crime,  
House Office Bldg., Washington, D.C.

DEAR CONGRESSMAN CONYERS: I was reading in the Chicago Defender of April 14, 1975 page 23. It was telling about the gun control on the case of (Haynes-vs-U.S. 309 U.S. 85).

Fact number one states that guns have been brought in through illegal channels. I agree with this statement because people have to go to pawnshops and to underground places to buy guns. That is the reason why more and more people are getting killed.

Fact number two states that the 2nd amendment is now receiving the same treatment as the 13th, 14th and 15th amendments. It says the name of the game is not gun control but race control. It says that gun control only works against decent people not criminals. I agree with that statement.

In fact number three A, fewer than three-tenths of one percent of firearms owners are involved in any crime in which a gun is used. This statement is right because just look around you and see what the world is made up of today. In fact three C it says sooner or later, responsible leaders will have to stop occupying their time with symptom treating approaches as Gun Control and attack the real problems. I think that this statement is also right, they should get down to business and stop playing around. Another point in fact three D it states Gun control is a threat to what little security a black or brown man may have (especially a poor one) in the area in which he lives.

In fact six it says that Gun laws have increased the pool of illegal weapons 98% of those arrested for burglary went free; 2 out of 3 arrested for murder were released. Gun control is not Crime Control. If a person has a gun and does not do anything with it, I say that is not crime control. I would greatly appreciate a reply to my letter.

Sincerely,

VIRGINIA HODGES.

CARTHAGE, ILL., April 8, 1975.

Hon. JOHN CONYERS,  
*House Judiciary Committee, House of Representatives,*  
*Washington, D.C.*

DEAR SIR: I am a practicing physician and my only outside hobby is handguns and shooting for pleasure.

We have a well organized Gun Club with an indoor shooting range. We would regret very much if we were deprived of this wholesome sport and pastime.

I feel that strict enforcement of our existing laws would control the unlawful use of handguns. I realize that many people possess guns and ammunition that are not legally registered and further laws would not correct this situation.

I would respectfully appreciate your further consideration of this matter.

Yours truly,

JAY D. TROTTER, M.D.

CHICAGO, ILL., April 27, 1975.

Hon. JOHN CONYERS, Jr.,  
*Chairman of the Subcommittee on Crime, House Judiciary Committee, U.S.*  
*House of Representatives, Washington, D.C.*

DEAR CONGRESSMAN CONYERS: I am writing to ask you to vote AGAINST any bills which asks for registration; or confiscation; or banning of the ownership of handguns, shotguns or rifles; or the restrictions of foreign imports.

There are approximately 10,340 homicides (1974—Senator McClure) and approximately 2,400 accidental deaths (1973—National Safety Council) due to the misuse of firearms, on an annual basis. However, there are approximately 50,000 deaths due to the misuse of motor vehicles. Total crimes (including minor) committed with a gun is approximately 353,000 (LEAA for 1971), total injuries committed with automobiles is 2,000,000 (1968 figure from Judge Neil W. McGill). Each year the auto exceeds in deaths our total Vietnam loss, and in injuries by 13 times. Where is the congressional cry to ban the sales of automobiles, ban their importation and confiscate autos via state registration, which is what we have heard many Congressmen claim is their actual intent for gun registration.

Please understand, anti-gun legislation will only accomplish the following three effects. First, some people will register their guns knowing that confiscation is next. Proof is the District of Columbia where, after registering in good faith, citizens find out that John A. Wilson proposed in city council to confiscate handguns and shotguns. Wilson said he did not care about the good faith of the people, as he was not the one who made the promises. Many U.S. congressmen have, over the years, mentioned this as their aim.

Secondly, many more people will not register their guns as has occurred here in Chicago. Most of these people will now be federal offenders for failing

to comply with a federal law that most owners will feel is wrong in itself. In other words, we're damned if we do and damned if we don't. This is much like the situation this government created for many Americans in its Vietnam policy, its lies and hysteria as borne out by congressional investigation. The wisdom of three presidents (Kennedy, Johnson and Nixon) and the wisdom of their congresses caused a lot of hardships for the war protesters. As it turned out, the war protesters were right. Our government's intervention resulted in a corrupt South Vietnamese government; a corrupting American government (as shown during Watergate investigations); misuse of the C.I.A. and I.R.S.; gross unwarranted (to differentiate from warranted) spyings by the F.B.I., C.I.A. and Army Intelligence (during Johnson's time); and an untrusting American people. This plus the millions killed and injured on all sides and over \$140 billion dollars wasted.

The third thing which will happen will be a greatly accelerated production and distribution of "underground and/or underworld" guns. Proof, the Judiciary Subcommittee on Crime was told, while in Chicago, that a private factory for making submachine guns was discovered in California. Submachine guns are highly restrictive according to federal law, and illegal according to many state laws. Yet, there was a factory (and are probably more) producing submachine guns and there are government arsenals which are robbed, and none of this is for collectors, target shooters and hunters.

Please consider the above, plus the Alcohol Prohibition that failed, plus the narcotic Prohibition that has failed (government officials may disagree as to availability, but it is on the streets and in the schools). It comes down to this. If people want something they will find a way to get it, government or not. If the government is to help reduce crime, it should put additional punishment on those who kill, rape, assault and rob with the aid of a gun. I'm not talking about crimes against regulations, but crimes against a person's life, liberty and pursuit of happiness. Don't require registration; instead, spend that money on better permanent jails for those involved in serious crimes more than once or twice.

Most cops on the beat in Chicago (not political officials) are against more gun laws according to their Blue Light Survey.

Too many criminals are never convicted, and many get out too soon. It was shown on a T.V. anti-gun show, the criminal does not care, and even often enjoys killing. Yet, they are let out.

Sincerely,

EDWIN J. KAPUS.

CHICAGO, ILL., March 26, 1975.

CHAIRMAN JOHN CONYERS,  
House Judiciary Sub-Committee on Crime, Rayburn House Office Building,  
Washington, D.C.

DEAR MR. CONYERS: We are writing to express our opposition to strong handgun control on a national level.

Control of the "Saturday night special", the actual ban on the manufacture of this firearm (one that would melt under certain temperatures) would be in the best interest of all citizens, sportsmen included. It is this kind of firearm and its illegal use that spur citizens groups to want to take all handguns away from honest, law-abiding sportsmen.

In Chicago, we have gun registration laws and according to public officials, it is working. Studies are made and published in the papers about the increasing murders and the like, and in almost all of the cases, a handgun is cited as the "weapon". (We prefer the word fire arm) However, it is never reported, in these studies (1) how the firearm was obtained. Was it purchased legally or illegally? Was it stolen? And if it was stolen, had it been registered? And if so, was the theft reported? (2) did the accused have a record? If he did, it is already illegal for him to even be in possession of a firearm. At the time of the crime, was he out on bond for a similar or another offense? If so, why was bond allowed?

These may seem like "nonsense" questions, but to the average, law-abiding citizen and sportsmen, they are most important as they affect us greatly.

We are a young couple, who enjoy hunting, trap and skeet shooting and handgun target shooting. We have two daughters, ages 10 and 11 who have been thoroughly educated where firearms are concerned. They are very careful and don't even touch a firearm without permission. They have shot .22 cal. rifle from a bench at paper targets and just recently have begun to shoot skeet. They

know how to clean their shotgun and only one shell is used at a time when they are shooting. I might add, that for girls, they enjoy this activity and are most careful and conscientious about what they are doing.

We both know the real issue here though. We cannot express enough our concern over crime in this country. BUT—start where it will really do some good. In the courts. We need *stiff* penalties. Compentent judges who don't bend to the likes of shady lawyers. What one individual who has contemplated a crime stopped to think about the consequences first???? A slap on the wrist and a "shame on you" and he's back on the streets. This, in itself is a joke, and a slam to all citizens.

We thank you for letting us "air" our views and can only hope that you and your fellow committeemen do the right, fair and honest thing.

ROBERT B. KAEPLINGER,  
LORRAINE E. KAEPLINGER.

PEORIA, ILL., April 17, 1975.

HON. JOHN CONYERS,  
*Chairman, Subcommittee on Crime, Rayburn House Office Building, Washington, D.C.*

HON. REPRESENTATIVE CONYERS: As Mr. Barboza may have reported to you, I was one of a group representing a number of central Illinois organizations which arrived at the April 15, 1975, hearing of your subcommittee approximately 45 minutes after the hearing had been adjourned. I was hoping to be able to testify on behalf of the members of the Caterpillar Rifle and Pistol Club, of which I currently serve as President, and had been asked by the Board of Directors of the Chillicothe Sportsman's Club to also represent the members of that organization.

The members of these organizations feel that no new gun control laws should be initiated as there is ample evidence that criminal activity cannot be controlled by regulating instruments used in the commission of crimes. Strong gun controls have not kept New York City from having the highest crime rates in our nation and there is no logical reason to believe that strong federal laws regulating firearms would be obeyed by those who are currently breaking local laws.

Our member's belief that crime cannot be controlled by regulating firearms is also shared by the nation's top law enforcement agency, as reported by Mr. E. B. Mann in the February 1975 issue of "Field and Stream":

"That Committee,<sup>1</sup> in its study of the causes of crime, might better have directed its attention to the causes of crime published year after year in the FBI official report on 'Crime in the United States.' The FBI lists a long series of causes, ranging from 'density, size, composition, economic status, and mores of the population, to the effective strength of the police force, attitudes and policies of courts and correctional institutions' et cetera. The list has never included the incidence of guns in a community as a cause of crime, nor the existence or non-existence of gun laws as a factor."

The argument that strong Federal laws would prevent shipment of guns into areas where they are prohibited is only partly valid. Most of legislators do not realize the ease with which effective firearms and ammunition for them can be manufactured. Firearms were some of the first manufactured products, both because they were needed and because primitive societies possessed the means of manufacturing them. Most big city youths know what a zip gun is and how to make one. I have seen pictures of collections of workable firearms made under rather difficult conditions—all had been made by convicts while in penal institutions. If there is a demand for illegal guns and ammunition, the equipment necessary to manufacture very sophisticated weapons is available in countless back yard and basement workshops.

As Representative Symms recently testified before your Committee, only one-sixth of one percent of the approximately 200 million privately owned guns, including less than one percent of the handguns, are used annually in the commission of crimes. Laws regulating all of these guns because of the misuse of a very small percentage of the total are both inefficient and an unnecessary hardship on the vast majority of gun owners.

We do not feel that any attempt should be made to regulate the so-called "Saturday Night Special", although there are many junk guns on the market which are of no value to the serious shooter or sportsman—defining them is

<sup>1</sup> National Committee on the Causes and Prevention of Violence.

difficult. The definitions used in bills previously introduced include many pistols used for primarily plinking and hunting.

While we feel that laws aimed at controlling firearms will do nothing but take the guns away from those members of our society who currently are obeying the laws prohibiting murder, robbery, aggravated battery, etc., we strongly support legislation such as recently introduced by Representative Robert H. Michel, calling for substantial mandatory prison sentences for those convicted of committing a crime with a gun.

I am enclosing a copy of a recent editorial in our local newspaper which I feel accurately describes the feelings of not only the club members I represent, but a substantial majority of the people in this area.

Thank you for your consideration.

Very truly yours,

DEAN W. MARTIN,  
President,  
Caterpillar Rifle and Pistol Club.

Enclosures.

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[From the Journal Star, March 13, 1975]

#### ACCESSORIES TO MURDER?

The legislators and we the people who elected them are accessories to murder. Indeed, we are all accessories to hundreds of murders.

The Supreme Court justices are accessories to murder, accessories to hundreds of murders, to my way of thinking.

There have recently been hundreds, if not thousands of murders committed by people who had killed before. Who broke them out of jail so that they were able to kill again?

We did.

We had such tender sentimentalism that we decided that we didn't want to be accessories to execution. That "society" shouldn't kill *anybody* at all. We, via the Supreme Court officially, but as a nation in actual practice, eliminated capital punishment, and turned away and washed our hands, proud to be so pure.

Whereas, in reality, rather than shed guilty blood we have been accessories to the massive shedding of innocent blood.

We have moralized all over the place, but we haven't had the moral courage to do our duty on behalf of our fellow man in fact.

By massive discriminatory rules in favor of defendants, by a wishful concept of "rehabilitation" replacing the concept of a known penalty for a crime against your fellows, by paroles of killers and violence-proven characters, by eliminating capital punishment, by the legal fraud that transforms a "life sentence" into a few years, and by the legal fraud that runs terms concurrently even for multiple murders, we have created conditions in which 13,000 fellow citizens are violently killed by others yearly.

It doesn't help when most politicians yelp about plans which would clearly do nothing but disarm the honest citizenry and have no effect on lawbreakers, while plowing under proposals like Bob Michel's that we begin to deal with those people who misuse guns. That's where the problem is. The other business is a diversion and a fraud directed at honest folk. The law should be severe with the mis-use of guns instead of this gimmick of attacking the gun, itself, and effectively only those that have never been misused.

It doesn't help when as we talk of severe laws for gun users and even severe laws for gun owners who have done nothing wrong that our state's attorney plea bargains for a fine in a case where somebody was shot up pretty thoroughly.

And it doesn't help when the judge refuses that deal but only to increase the size of the fine.

Both those gentlemen had better have a great deal of confidence in the young man they are leaving amongst us, and he had better live up to that confidence. I hope they are right.

If he doesn't the question arises whether in the moral sense, that states attorney and that judge would not be accessories to any tragedy which might recur.

In some manner, we have to make the use of guns anathema and the user understand *in advance* that the penalty for such will be sure and severe.

Retroactivity from current practice is unfair and perhaps not effective, but we ought to have special laws such as Bob Michel has proposed—and concurrently with them as fair warning, we ought to have no fiddle-faddle in the courts that subvert such a law.

**Congressman JOHN CONYERS,**  
*Chairman, House Judiciary sub-committee on Crime, U.S. House of Representatives, Washington, D.C.*

DEAR MR. CONYERS: I saw your committee hearings on television that you held in Chicago on April 14 and 15. And I'm glad that you're considering hand gun control as a method by which we can fight crime.

I am seventeen and this is the first time I've ever written a public official about anything. I attend Evergreen Park Community High School as a full time student (pop-1782). Evergreen Park has a population of 28,000 and is surrounded on three sides by Chicago. I can't see how much longer this village will be able to escape Chicago's crime and murder rate.

It seems that all of a sudden a crusade has started at my school to ban hand guns. I'm glad its high school students who are doing something about this violent American pastime called "killing", because so often you hear the misconception that *all* teenagers cause trouble. At the school I attend, I sometimes feel kids here are too apathetic, but this recent movement has made me reconsider this thought.

A few years ago, my older brother who was then a teenager came home from a party with some friends. They pulled into the driveway of a house down the street to let a friend off. One of that friend's neighbors came out of the house where their car was parked with a rifle or shotgun, I don't recall exactly. He pointed it at my brother and his friends and said, "I've shot Japs in World War II and I can shoot you too." My brother was pretty lucky, 'cause nothing happened after that, except a court case. They didn't do much to the guy with the gun.

Then just a few months ago. Some kids in my neighborhood were stopped by a man wielding a hand gun. He thought they had thrown a snowball at his car. Again, lucky for those kids, nothing happened.

I think if we take guns away from everyone, we'll be a lot better off. I know I'll never keep one because even I get moments when I lose my temper.

I have to admit, I know of two kids who are only seventeen and they own hand guns. One kid is a hot head and you can never tell what's going thru his head. The other is a good friend of mine who couldn't shoot anyone. I should point out that this friend bought the gun from this older brother who in turn had already bought it from some supply house thru the mail. I know that it's illegal for minors to own guns in the state of Illinois, but I also know I could never turn these kids in because it's kind of an unwritten law among us today.

Getting back to the movement that's going on at school. A lot of students in the Contemporary Thought Classes have started circulating petitions to ban the manufacture and sale of hand guns. I'm not sure how their effort is going, but I do have an article that I clipped out of our school newspaper—the Mustang Monitor, which appeared in it May 16. It's a poli and maybe it will help you and your committee to find out how students in a strictly conservative, suburban area feel about it. I've enclosed it for your use.

I wish your committee good luck and I hope this short letter offsets the stuff you're getting from the National Rifle Association. I also believe that the courts could do a better job, but a comprehensive ban on handguns would do the most good.

Sincerely,

TOM COOK.

#### POLL SHOWS NEAR SPLIT ON FIREARMS CONTROL

Recently the Monitor polled the Junior U.S. History classes in a 9% sampling of the Student Body. The subject of the survey was gun control and how students felt about it.

The questions and results are listed below:

1. Do you feel the present gun registration laws are doing a good job of keeping the murder rate down in Chicago?

Yes, 8.0%. Undecided, 0.6%. No, 90.4%.

2. Do you feel a ban on the manufacture and sale of hand guns would infringe on your constitutional right to bear arms?

Yes, 52.8%. No, 47.1%.

3. Do you think a ban on the manufacture and sale of hand guns would be an effective way to decrease the murder rate of Chicago?

Yes, 58.5%. Undecided, 0.6%. No, 40.7%.

4. Would you support a ban on the manufacture and sale of hand guns?

Yes, 59.2%. Undecided, 1.2%. No, 39.4%.



5. If you answered "yes" to the above, at what level of government would you like to see it applied?

Municipal, 6.3% Nation, 77.6%. State, 11.7%. Undecided, 3.1%. Other, 1%.

6. If all the present plans to ban the manufacture and sale of hand guns and hand gun ammunition fell thru, what other method do you think should be taken?

None, 10.8%. Other, 5%. Undecided, 6.3%.

Capital punishment, 30.5%. Maximum penalties, 47.1%, and stricter enforcement under the law.

Many students polled, commented on gun control. Here are a few of their statements.

"I feel that hand guns should be kept for the people who want them. But I do think that stronger control should be taken with the sales of arms and ammunition." Student—6th hour History.

"I think it (a ban on the manufacture and sale of hand guns) would increase it (the murder rate). It would be like the prohibition days."

As a solution to the problem of rampant murders, one student said: "Impose a mandatory five year term for first offenses with increasing penalties for second and third offenders."

Another suggested "penalties depending on the severity of the case." And another suggested "higher fines and bails."

Perhaps the best solution was given by a student who said, "Love, Peace, Happiness, Freedom."



## APPENDIX 7

### WAR ON CRIME COALITION PUBLIC HEARINGS

November 20, 21, 1974

Chaired by: Alderman Clifford P. Kelley

Sponsored by:

The Chicago Commission on Human Relations

The Coalition of Concerned Women in the War on Crime

The National Conference of Christians and Jews

The Chicago Chapter, National Association for the Advancement of Colored People

The Illinois Commission on Human Relations

The Civil Disarmament Committee for Hand Gun Control

The Chicago Daily Defender

Prepared by: The Chicago Commission on Human Relations

#### SECTION I

##### *Introduction*

On November 20 & 21st, 31 witnesses including legislators, community leaders and experts in the field of criminology and sociology testified before a special blue ribbon panel on ways that citizens can help in both reducing crime and in mitigating the effects of crime in our society.

The hearing, held in the Council Chamber of City Hall, was sponsored by seven civic organizations including the Chicago Commission on Human Relations, the Chicago Daily Defender, the Civil Disarmament Committee for Hand Gun Control, the Coalition of Concerned Women in the War on Crime, the Illinois Commission on Human Relations, the National Association for the Advancement of Colored People, and the National Conference of Christians and Jews.

Alderman Clifford P. Kelley of the 20th Ward presided over the hearing. Also on the panel were Mrs. Rachel R. Ridley, Deputy Director, Chicago Commission on Human Relations; Ms. Ethel Payne, Associate Editor, Chicago Daily Defender and Coordinator of the Coalition of Concerned Women in the War on Crime; Ms. Laura Ferml, Director, Civil Disarmament Committee for Hand Gun Control; Ms. Connie Seals, Executive Director, Illinois Commission on Human Relations; Mr. Andrew Barrett, Executive Director, the National Association for the Advancement of Colored People; Mr. James Rottman, Executive Director, National Conference of Christians and Jews; Professor Paul Mundy of Loyola University; Mr. Thomas Todd, Attorney; and Alderman Timothy Evans, 4th Ward. Other Alderman in attendance included Wilson Frost, William Cousins, and Francis X. Lawlor.

Alderman Kelley explained that the purpose of this hearing was to disseminate information on crime prevention community programs presently in operation and to put together a program or legislation to submit to the public and to other organizations based on the testimony and recommendations made by the witnesses.

Those who testified at the hearing indicated in their remarks that they are well aware that there are no easy solutions to curbing or eliminating crime from our society. The dehumanizing effects of discrimination, low income, high unemployment, the mis-education of youth and lack of adequate vocational training, overcrowded and substandard housing, high population density and a host of other ills are characteristics found in urban areas where violent crime and the victims of it are most likely to be found. Such conditions profoundly affect the quality of life of large segments of our citizenry and contribute to the decline of morality and attendant lack of respect for the life and property of others. Many

of those who testified indicated that society must recognize these facts and adjust its priorities accordingly if substantial progress is to be made in the reduction and prevention of crime.

This report lists those major recommendations made by witnesses for improving the criminal justice system and for reducing and mitigating the effects of crime. Also listed are the major community programs discussed by witnesses which are presently in operation in some communities.

A detailed summary of the testimony is found in Section III of this report. For anyone wishing to read the hearing record in its entirety, transcripts of the proceedings are available in the office of Alderman Clifford P. Kelly, Room 209, Office 10, City Hall, and in the office of the Chicago Commission on Human Relations, Room 390, 640 North La Salle Street.

## SECTION II

### *Witnesses at hearing*

The following list includes those witnesses who testified at the November 20, & 21, open hearings in the order of their appearance:

Mr. James Rochford, Superintendent of Police, Chicago Police Department  
 Mr. Winston Moore, Executive Director, Cook County Department of Corrections  
 Honorable Richard J. Elrod, Cook County Sheriff  
 Mr. Leon D. Finney, Jr., Executive Director, The Woodlawn Organization  
 Ms. Susan Sullivan, Civic Disarmament Committee for Hand Gun Control  
 Dr. Herbert Odom, President, Englewood Youth Corporation  
 Mr. Robert R. Hollins, Coordinator, Illinois Corrections Project  
 Ms. Earlean Lindsey, Mile Square Health Center  
 Dr. Ewen Akin, Jr., President, Malcolm X College  
 Mr. Cedric Russell, Vice President, The Woodlawn Organization  
 Mr. Isaac Hawkins, Chatham-Park Manor Citizens Patrol  
 Mr. Milton Gardner, Chicago Urban League  
 Ms. Joyce Drake, Civic Disarmament Committee for Hand Gun Control  
 Ms. Janet Malone, Executive Director, Council on Population and Environment  
 Father Francis X. Lawler, Alderman, 15th Ward  
 Mr. Joe McAfee, Operation DARE  
 Ms. Mary Garden Williams (Member) Ms. Arnlta Boswell (Director) League of Black Women  
 Mr. Russell Meek, Search For Truth, Inc.  
 Ms. Elinor Elam, League of Women Voters of Chicago  
 Mr. Ishmael Flory, Chairman, Illinois Communist Party  
 Mr. Karim Childs, Executive Director, Parkway Community House  
 Ms. Ann Fennessy, Hyde Park-Kenwood Community Council  
 Mr. Willie L. Pittman, Community Leader  
 Ms. Ruth Wells, Alliance To End Repression  
 Commissioner Claudio Flores, Chicago Commission on Human Relations  
 Ms. April Takeda, North Side Rape Crisis Center and Chicago Legal Action for Women  
 Mr. Silas Brown, Community Thrift Clubs  
 Ms. Judy McArdle, Cook County Special Ball Project  
 Mr. William Cousins, Jr., Alderman, 8th Ward  
 Mr. Henry Pettigrew, Investigator, Chicago Police Department

### WAR ON CRIME COALITION PANEL RECOMMENDATIONS—OVERVIEW

The thrust of the recommendations of the blue ribbon panel of the War on Crime Coalition are focused toward two specific areas: action directed toward the elimination and prevention of crime, and streamlining and improving the criminal justice system.

Speaking specifically to the second area of concern, improvement of the criminal justice system is vital and it should be noted that the scope of need encompasses many areas. Reevaluation and improvement of the system must be comprehensive and begun under the premise that no component of that system is so "sacred" as to escape close scrutiny by the community and government. Both agencies and individuals connected with the criminal justice system should be held accountable. The time has come to demand the most from those entrusted to the public service.

It must be noted that the "system" of criminal justice itself, is responsible for many of the inequities and inconsistencies now apparent. Blame cannot necessarily be leveled at those public officials who cannot carry out their duties and responsibilities to the best of their ability because of a breakdown in the criminal justice system. There are some public officials who have shown exceptional ability to work well despite the system. It should not be necessary to require these special efforts to simply get the job done.

Specific problems include judges overloaded with court cases, overcrowded penal institutions where conditions dictate only "stop-gap" programs and the police officer who because of the lack of permanent assignment, never becomes familiar with the area or residents where he or she works. Local officials who abdicate the responsibility of their position and the community that fails to demand accountability from its elected officials, all help to perpetuate the problem.

A prerequisite to any effective program of crime prevention is building the bond between youth and adults through a constructive dialogue of understanding. The breakdown in communication between youth and adults, and youth and police, only worsens an already intolerable situation. Programs must be geared toward opening channels of communication between all concerned. Periodic review of such programs to assess their effectiveness should be mandatory and the schools should be seen as an instrument for effecting such programs.

Effort must be expended in each and every segment of society to deal with not only the prevention of crime but also the elimination of those conditions, both social and economic, that encourage and perpetuate it.

The blue ribbon panel of the "War on Crime Coalition" makes the following recommendations in good faith, and with the hope, that through mutual cooperation between the community and governmental agencies, steps can be initiated to turn the corner in the War on Crime.

#### RECOMMENDATIONS OF THE WAR ON CRIME COALITION DEALING WITH CRIME PREVENTION AND FOR MITIGATING THE EFFECTS OF CRIME

##### *Finding 1*

The easy accessibility of hand guns to all segments of the population not only adds to the number of violent crimes, but is the prime cause of them.

##### *Recommendation 1*

Federal legislation must be enacted in all levels of government to restrict the manufacture, sale, ownership and use of *all* hand guns and ammunition.

The coalition also is extremely concerned about legislative loopholes allowing the shipment of component parts for handguns from areas outside U.S. jurisdiction. Once these components arrive, assembly, sale and distribution is a matter of course.

##### *Finding 2*

More local, state and federal fundings earmarked for established and non-established groups are sorely needed to attack and attempt to eliminate crime. Monies required to give the necessary tools to community-based groups to develop staff and implement their "own" crime prevention programs are at present, unattainable.

##### *Recommendation 2*

That the mayor of Chicago give a total endorsement to the war on crime program and place directives with the appropriate agencies and departments to make it a priority of his administration. Federal, state and local funds for community organizations for crime prevention programs will mirror the amount of actual commitment to the War on Crime. To reduce the extent and gravity of crime, an advisory committee including the Mayor of Chicago, the Superintendent of Police, City Council members, the business community, neighborhood residents, and other concerned individuals should be established to address itself to crime and the means of discouraging and eliminating it, and to the deteriorating effects of crime in the community and the city in general.

##### *Finding 3*

Hard drugs are flowing into communities at an ever increasing rate. Dangerous drugs do play a very definite role in the increasing crime rates in urban and suburban areas.

**Recommendation 3**

Federal, State, and local law enforcement agencies must take positive steps toward effectively reducing the flow of all hard drugs into communities in addition, the need for community-based programs to educate the public about the harmful effects of drugs and community centers, specifically designated to rehabilitate the drug user, is critical.

**RECOMMENDATIONS OF THE WAR ON CRIME COALITION TOWARD IMPROVING  
THE CRIMINAL JUSTICE SYSTEM**

**Finding 1**

Citizen confidence must be restored in the police department. The burden of responsibility must rest with the police in this regard. The police department must assume the initiative by implementing new and "beefed-up" programs (similar to Operation Dialogue) and training procedures that will strengthen the cooperative link between the community and the police department. The Chicago Police Department, although it does possess well designed programs that deal with police and community relations, has yet to make them a priority.

**Recommendations 1**

A. The Chicago police department should reinstitute "beat patrols" and increase police foot patrols in inner city neighborhoods.

B. The focus of police concentration should shift accordingly from the so called "victimless crime" and ticket writing to the use of police department power to attack violent crime. Legislators should review the laws concerning "victimless crime" and deemphasize them accordingly.

C. The Chicago police department must assign patrol officers in each police district on a more permanent basis so that the officer can become better acquainted with the conditions in that district. In addition, police should keep regular partners.

D. THERE MUST BE AN INCREASING EMPHASIS PLACED ON PROFESSIONALISM ON THE POLICE FORCE. This includes hiring more criminologists and psychologists. Citizen participation in human relations training should be implemented at the Police Training Academy.

E. MEMBERSHIP ON THE CHICAGO POLICE BOARD SHOULD BE ENLARGED AND INCLUDE WOMEN AND REPRESENTATION FROM ALL AREAS OF THE CITY. The Police Department and Police Board should also reflect the racial and ethnic composition of the city as a whole.

**FINDING 2**

The present Bail/Bond system is at best antiquated. Numerous inequities are brought to light as Bail/Bond is examined in detail.

**RECOMMENDATION 2**

THE PRESENT BAIL/BOND SYSTEM MUST BE EVALUATED AND RECONSTRUCTED. All too often, decisions on bonds are made rapidly without sufficient information being secured about those in custody. While the basic rights of the accused must be guaranteed and protected, steps must be taken to insure that bonds are not routinely given to persons already on bond for a previous arrest of a similar or other offense.

**FINDING 3**

The judicial system is hopelessly overcrowded and understaffed. With overflowing case loads and jammed court dockets, the procedure of plea-bargaining has become a necessity to insure that the criminal justice system functions at all.

**RECOMMENDATION 3**

THE SYSTEM OF PLEA-BARGAINING MUST BE IMPROVED TO INSURE THAT THE INNOCENT, AND ESPECIALLY THE POOR WHO HAVE DIFFICULTY RETAINING AN ATTORNEY, ARE NOT CO-OPTED INTO PLEADING GUILTY TO A LESSER OFFENSE THAN CHARGED SIMPLY BECAUSE OF THE LACK OF MONEY, EDUCATION OR OVERCROWDED COURT DOCKETS. Plea-bargaining presently forces lawyers to bargain over charges, plea, and dispositions in the court system. The War on Crime Coalition urges that the Chicago-Cook County Criminal Justice Commission, along with the Illinois Law Enforcement Commission, establish and fund a panel

of concerned citizens to propose feasible solutions to insure that the individual rights of the accused are protected at the same time that the excesses of bargaining by lawyers are reduced.

Coupled with the above recommendation, THE NUMBER OF CRIMINAL COURT JUDGES SHOULD BE INCREASED FROM ITS PRESENT NUMBER TO AT LEAST THIRTY. Prosecutors and judges must expand and intensify the efforts needed to more promptly clear the innocent and convict the guilty.

#### **FINDING 4**

Rape causes are not being adequately handled by the Cook County States Attorney's Office or the Chicago Police Department.

#### **RECOMMENDATION 4**

A. A full time court should be established to handle rape cases exclusively. Under present conditions, without a separate court for rape cases, the States Attorney's Office must continually request delays and continuances because of the overcrowded criminal justice system.

B. More sensitivity must be shown to the rape victim by officers handling these cases.

C. The present rape laws must be reviewed and amended.

#### **FINDING 5**

There is a tremendous need for greater cooperation between communities and law enforcement officials under the jurisdiction of the Cook County Sheriff. The crux of the matter is, that without a full scale commitment on their parts, the prevention and hopeful elimination of crime is not much more than wishful thinking.

#### **RECOMMENDATION 5**

A. THERE MUST BE AN ALL OUT EFFORT BETWEEN GOVERNMENT, INCLUDING LAW ENFORCEMENT AGENCIES, AND CITIZENS TO BUILD AND RECAPTURE THE MUTUAL RESPECT, TRUST AND CONFIDENCE OF ONE ANOTHER. Crime is non-discriminatory and affects everyone. Society must aim to develop a harder attitude toward criminal behavior. This new attitude, coupled with a professional interpretation and implementation of the law, is badly needed.

B. MORE ATTENTION MUST BE DIRECTED TOWARD YOUTH. These changed attitudes toward crime and the law should begin with the young person, but he/she must be given something to respect. There is a need for more community youth programs, supervision and facilities so that they can be involved in meaningful social, recreational and job training programs.

New educational techniques must also be implemented in the schools containing teaching methods that stress values and value clarification rather than merely factual or conceptual approaches to learning.

#### **FINDING 6**

The present penal system is overcrowded and insufficient to comply with its mandate for rehabilitating offenders.

#### **RECOMMENDATION 6**

Greater effort and funds must be expended toward creating a more favorable atmosphere for rehabilitation of those incarcerated in prisons and jails. Overcrowding of penal institutions must end if rehabilitation is to occur.

Concurrently, the ex-offender must be accorded better treatment and opportunity if he/she is to function as a part of an ordered society upon release from jail. More "out" programs similar to P.A.C.E. and "Operation DARE" are needed to cut the recidivism rate.

## APPENDIX 8

[FROM THE OFFICES OF CONGRESSMEN ABNER J. MIKVA AND DAN ROSTENKOWSKI]

### Poll shows overwhelming support for handgun bill

Of the more than 21,000 Chicago area residents who participated in a series of Yes-No polls on handgun control, 83 percent said they favored legislation to ban the manufacture, sale and distribution of handguns.

Congressmen Abner J. Mikva and Dan Rostenkowski (D-Ill.), the chief sponsors of such a bill, said they will forward the poll results to the House Judiciary Subcommittee on Crime which will be drafting handgun control legislation this month.

Last March, six different Chicago area organizations began circulating a Yes-No Poll sheet to their customers and members. Participants were asked to indicate whether or not they were in favor of the Mikva-Rostenkowski approach to handgun control.

The results are listed below.

Organizations	Yes		No		Total
	Number	Percent	Number	Percent	
Checker and Yellow Cab Co.....	8,616	83	1,795	17	10,411
Chicago Retail Druggists.....	5,479	78	1,547	22	7,026
Chicago, Suburban League of Women Voters.....	1,821	96	78	4	1,899
Chicago Retail Cleaners & Tailors Association.....	1,087	85	184	15	1,271
United Methodist Church.....	436	94	30	6	466
Individual poll-takers.....	232	86	37	14	269
<b>Total.....</b>	<b>17,671</b>	<b>83</b>	<b>3,671</b>	<b>17</b>	<b>21,342</b>

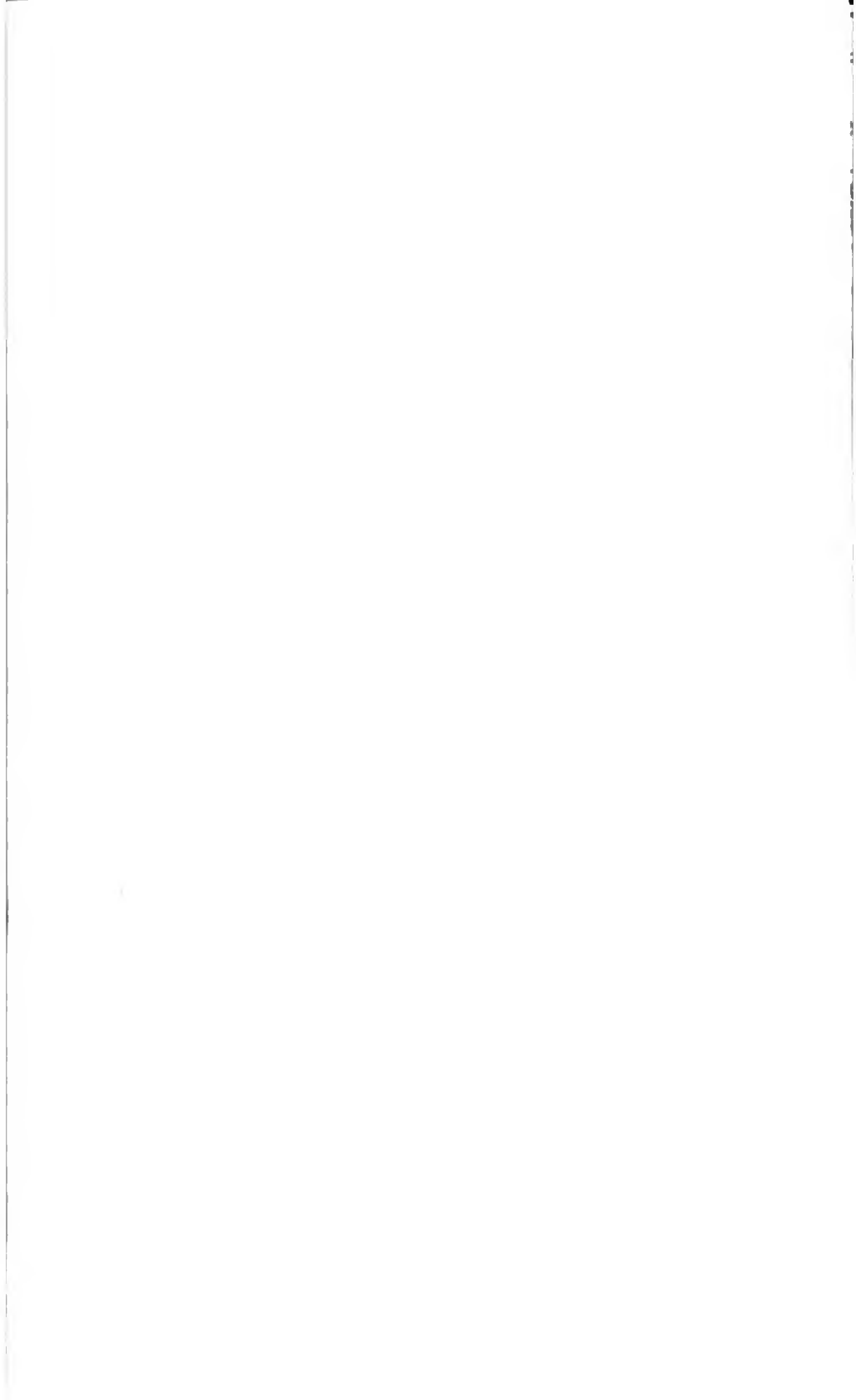
Congressmen Mikva and Rostenkowski stressed that these Yes-No poll results are especially significant because they reflect the opinions of a broad spectrum of people and not the efficiency of one organized lobby.

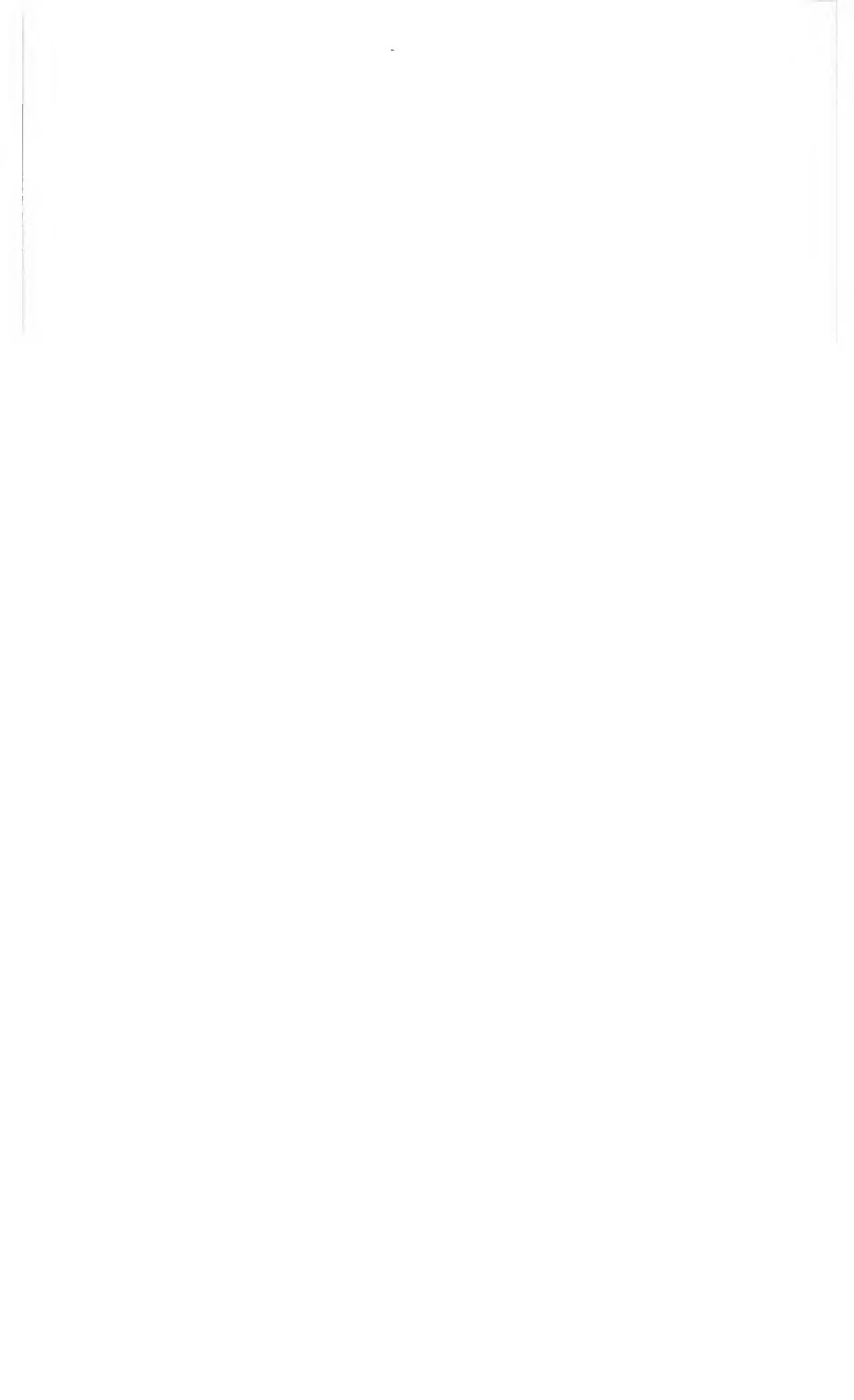
"In the past, the gun lobby had a disproportionate impact on Congress because it was highly organized and well-financed," the Congressmen explained. "But now, thanks to these polls and the efforts of grassroots organizations throughout the country, the full measure of public opinion is finally being crystallized on this issue, which means the chances for meaningful handgun control legislation are better than ever before."

The Mikva-Rostenkowski bill, known as the Handgun Crime Control Act of 1975, does not call for the confiscation of handguns presently in existence. It would, however, ban the future manufacture, sale and distribution of handguns. The Armed Forces, police and authorized pistol clubs would be exempt from the ban.

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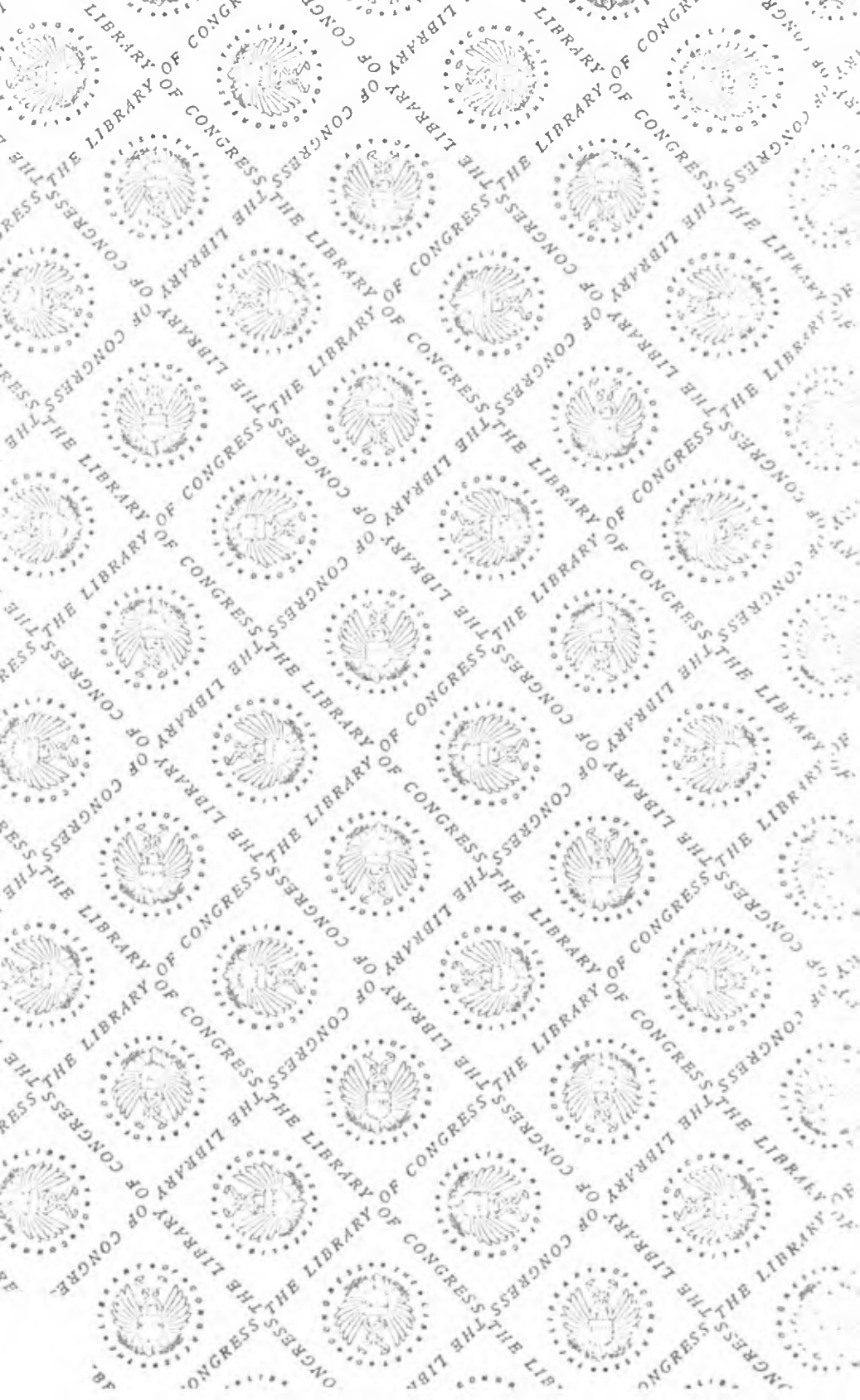














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